



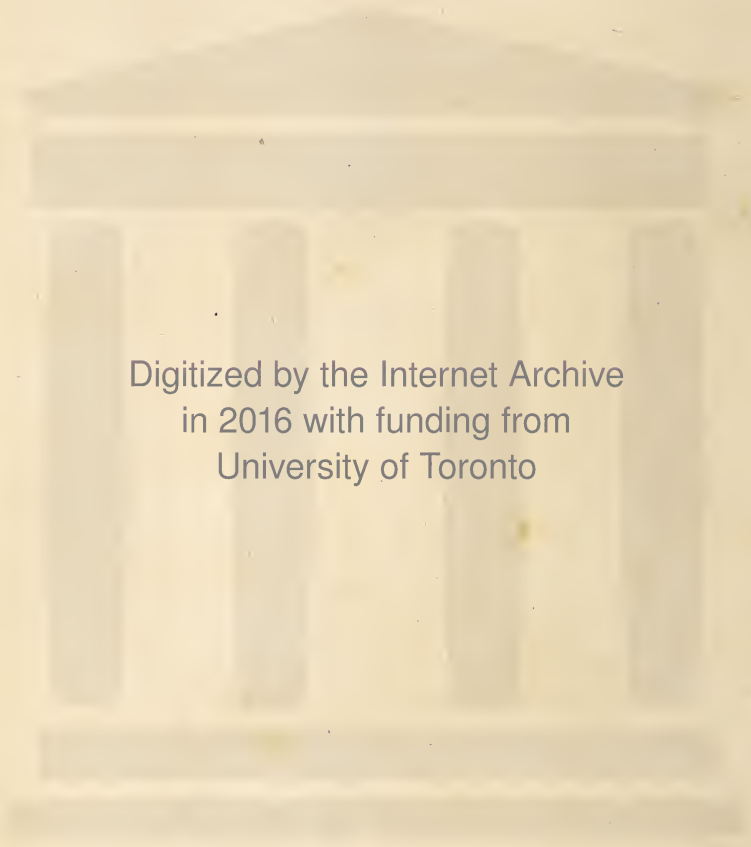
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STATUTES  
OF THE  
PROVINCE OF CANADA

PASSED IN THE  
SIXTEENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA  
AND IN THE FIRST SESSION OF THE FOURTH PARLIAMENT  
OF CANADA

Begun and holden at Quebec on the Nineteenth of August and adjourned on the  
Tenth of November, 1852, to the Fourteenth of February following :



HIS EXCELLENCY THE RIGHT HONORABLE  
JAMES, EARL OF ELGIN AND KINCARDINE, K. T.  
GOVERNOR GENERAL.

QUEBEC:  
PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,  
Law Printer to the Queen's Most Excellent Majesty.

Anno Domini, 1852.





ANNO SEXTO-DECIMO

VICTORIÆ REGINÆ.

CAP. I.

An Act for avoiding doubts which might otherwise arise from the Act making alterations in the Territorial Divisions of Upper Canada, having come into effect since the last General Election.

[7th October, 1852.]

**W**HEREAS by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, which came into force on the first day of January now last, the boundaries of many of the Electoral Divisions were altered, and new Counties were created returning Members to the Legislative Assembly; and whereas Elections of Members to serve in the Legislative Assembly during the present Provincial Parliament, were held before the said Act came into force, and it is expedient to remove all doubts which might arise from the causes aforesaid as to Elections to be held in case of vacancies occurring in the said Legislative Assembly during the said Parliament: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Member of the Legislative Assembly elected before the first day of January now last past, to represent the West Riding of the County of York, shall be held to represent the County of Peel, and to have represented the same since the day last aforesaid: The Member of the Legislative Assembly elected before the said day, to represent the East Riding of the County of York, shall be held to represent the County of Ontario, and to have represented the same since the said day: The Member of the Legislative Assembly elected before the said day, to represent the North Riding of the County of York, and the Member of the Legislative Assembly elected before the said day to represent the South Riding of the said County, shall each be held to represent the present County of York,

Preamble.  
14 & 15 Vict.  
c. 5, cited.  
Which among the present Electoral Divisions of U. C. Members elected there prior to 1st January 1852, shall be held to represent.

Vacancy of  
the seat of any  
member, how  
filled.

York, and to have represented the same since the said day : Each Member of the Legislative Assembly elected before the said day to represent any other County or Electoral Division of Upper Canada, shall be held to represent, and to have represented since the said day, that County or Electoral Division which bears the same name as that for which he was elected, or which consists of Counties bearing the same names as those which before the said day composed the Electoral Division for which he was elected : and whenever the seat of a Member elected or returned as elected for any Electoral Division in Upper Canada, before the said day, shall become vacant, so that a new Writ of Election shall be required, such new Writ shall issue for the Election of a Member to serve in the Legislative Assembly for that County or Electoral Division which the Member whose seat shall be vacated was held to represent under the provisions of this Act, notwithstanding any change which may have been made in the names or boundaries of any Electoral Division since the Election of such Member, by the coming into force of the Act first above cited.

## C A P . I I .

### An Act to repeal the fifth and sixth Sections of *The Rail-way Clauses Consolidation Act*.

[7th October, 1852.]

Preamble.

**W**HEREAS it is expedient to repeal the fifth and sixth Sections or Clauses of a certain Act passed in the Session of the Provincial Parliament held in the fourteenth and fifteenth years of Her Majesty's Reign, chaptered fifty-one, and intituled, *An Act to consolidate and regulate the general clauses relating to Rail-ways* : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said fifth and sixth Sections or Clauses of the said Act shall be and are hereby repealed.

Secs. 5 & 6 of  
14 & 15 Vict.  
c. 51, repeal-  
ed.

Bills of  
this Session  
for Special  
Rail-way  
Acts to be  
dealt with as  
if said sections  
had never  
been enacted.

II. And be it enacted, That no Bill for a Special Act for the allowance or establishment of a Rail-way, received by or introduced into the Legislature at its present Session, shall be rejected by reason or on account of any thing in the said Clauses of the said Act or either of them contained, but all such Bills shall be considered and dealt with to all intents and purposes as if the enactments in the said Clauses contained had never been made.

C A P .



## CAP. III.

An Act to declare the intention of the Law organizing the Notarial Profession, with respect to the study of that Profession.

[7th October, 1852.]

**W**HEREAS serious inconvenience results from the interpretation put upon the fourteenth Section of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for the organization of the Notarial Profession in that part of this Province called Lower Canada* : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the intention of the said Act expressed in the words "has *bonâ fide* served a regular clerkship, (under articles in writing deposited among the minutes of some practising Notary,) during five consecutive years, with a Notary duly appointed, and practising as such in Lower Canada, or during four consecutive years, if &c.," is that the candidate for admission to the Notarial Profession shall prove that he has served a sufficient length of time as provided by the Act above cited ; and that the word "consecutive" means that there shall not have been an interruption of more than three months in the service of such candidate.

Preamble.

10 & 11 Vict.  
c. 21, cited.

Certain words  
in s. 14, explained.

II. And be it declared and enacted, That an interruption of not more than three months in the service of any candidate for admission to the Notarial Profession, shall not prevent his examination or constitute in any manner an objection to his being admitted.

Interruption  
not exceeding  
three months  
to be no bar.

III. And be it enacted, That this Act shall extend and be applied to any student presenting himself before any Board of Notaries in Lower Canada, whether the interruption hereinbefore referred to occurred before or after the passing of this Act.

To what cases  
this Act shall  
extend.



## CAP. IV.

An Act to confer certain powers on Municipal Corporations and Companies to take Materials to repair Roads.

[7th October, 1852.]

Preamble.

Corporations  
or Companies  
having ac-  
quired Roads  
from the  
Crown, to  
have power to  
take mate-  
rials.

12 V., c. 84.

**W**HEREAS it is expedient and necessary to grant certain powers to Municipal Corporations and Companies, who have already acquired, or may hereafter acquire, any of the Macadamized or Plank Roads formerly held by the Crown in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any Municipal Corporation or Company, who have already acquired, or may hereafter acquire, any of the Macadamized or Plank Roads formerly held by the Crown in Upper Canada, shall have the same power and authority to take materials for keeping any and all of such Roads in repair as is now given to Road Companies for the construction of Roads, in an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada*, chaptered eighty-four; and the price or damages to be paid to any person or party for such materials or for any thing done in pursuance of the powers given by this Act, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by the Act aforesaid.

## CAP. V.

An Act to authorize the City of Toronto to negotiate a Loan of One Hundred Thousand Pounds to consolidate a part of the City Debt.

[7th October, 1852.]

Preamble.

**W**HEREAS the City of Toronto have petitioned to be authorized by law to borrow on the debentures of the said City, a sum not exceeding One Hundred Thousand Pounds, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed

passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the City of Toronto, to raise by way of Loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of one hundred thousand pounds of lawful money of Canada.

The City of Toronto may borrow £100,000.

II. And be it enacted, That it shall and may be lawful for the Mayor of the said City of Toronto for the time being, to cause to be issued debentures of the said City of Toronto, under the Corporation Seal of the said City, signed by the Mayor and counter-signed by the Chamberlain of the said City for the time being, in such sums not exceeding in the whole the said sum of one hundred thousand pounds, as the Common Council shall direct and appoint, and that the principal sum secured by the said debentures and the interest accruing thereon, shall be made payable either in this Province, in Great Britain or elsewhere, as the said Common Council shall deem expedient or necessary.

Debentures may be issued.

III. And be it enacted, That the sum of fifty thousand pounds, part of the said Loan so to be raised as aforesaid, shall be applied by the said City of Toronto in the payment of the promissory notes of the said City now current in this Province, and in the redemption of such of the debentures of the said City of Toronto as were issued prior to the passing of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one general Law for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, and may fall due within the ten years next after the passing of this Act.

£50,000 to be applied to the redemption of certain notes, &c., of the said City.

IV. And be it enacted, That the Funds derived from the negotiation of the said debentures so to be appropriated as aforesaid, shall, when received, be deposited by the Chamberlain of the said City for the time being, in the Bank of Upper Canada, at Toronto, and only be withdrawn therefrom as they may from time to time be required for the payment and redemption of the said promissory notes and debentures in the next preceding section of this Act mentioned.

The said £50,000 shall be deposited in Bank of U. C., and applied solely to the said purposes.

V. And be it enacted, That the sum of fifty thousand pounds, the remainder of the said Loan so to be raised as aforesaid, shall be applied in payment of ten thousand shares of the capital stock of "The Ontario, Simcoe and Huron Railroad Union Company," lately purchased by the said City of Toronto,

£50,000 to be applied to the payment of Stock taken in a certain Railroad.



Toronto, under resolution of the Common Council passed on the twenty-ninth day of July, one thousand eight hundred and fifty-two, in manner herein provided; and it shall be the duty of the Chamberlain of the said City for the time being, (and he is hereby authorized and empowered so to do,) forthwith, with the consent of the holders thereof, to call in such debentures of the said City of Toronto as may have heretofore been issued under any By-law of the Common Council of the said City, and taken in payment of such stock, and to substitute therefor so much of the funds received on account of the debentures to be issued under this Act as may be necessary for that purpose.

A certain By-law of the Common Council of Toronto may be repealed.

VI. And be it enacted, That for and notwithstanding any provision, clause, matter or thing contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Toronto, after having called in the debentures described in the next preceding section, to repeal the By-law of the said Council, passed on the twenty-eighth day of June, one thousand eight hundred and fifty-two, authorizing the levy of a special rate for the purpose of paying and satisfying certain debentures issued or to be issued in aid of the said Ontario, Simcoe and Huron Union Rail-road, or payment of the said stock, and that for the payment, satisfaction and discharge of the debentures to be issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City of Toronto, in a By-law to be passed authorizing the said Loan of One Hundred Thousand Pounds, and the issuing of the debentures therefor, to impose a special rate per annum over and above, and in addition to all other rates to be levied in each year, which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose.

A special rate to form a Sinking Fund may be imposed by By-law.

How sums raised by such rate shall be invested, and the dividends or interest thereon applied.

VII. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Toronto, from time to time to invest all sums of money raised by special rate for the Sinking Fund, provided in the preceding section, either in the debentures provided by this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, and apply all such dividends or interest on the said Sinking Fund to the extinction of the debt created by this Act.

By-law to be passed under s. 6, not to be repealed until debt created by this Act be paid. Sec. 178 of 12 Vict. c. 81, shall extend to any By-law passed under this Act.

VIII. And be it enacted, That any By-law to be passed under the sixth section of this Act shall not be repealed until the debt created by this Act and interest thereon shall be paid and satisfied, and that the one hundred and seventy-eighth section of the Municipal Corporations Act of Upper Canada shall extend to any By-law passed under this Act.

## CAP. VI.

An Act to provide an efficient remedy against any inconveniences which might result from the destruction of certain Registers of the Parish of St. Louis de Lotbinière.

[7th October, 1852.]

**W**HEREAS the Sacristy of the Parish of St. Louis de Lotbinière, in the County of Lotbinière, was consumed by fire on the fifteenth day of December, one thousand eight hundred and fifty, and certain Registers of Baptisms, Marriages and Burials, in the said Parish, whereof there are duplicates in the office of the Prothonotary of the Superior Court at Quebec, were destroyed by the said fire; And whereas it is expedient effectually to remedy the inconvenience which might result therefrom: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be the duty of the Prothonotary of the Superior Court at Quebec, to make, in books to be authenticated by one of the Judges of the said Court, in the manner prescribed by law with regard to books in which Registers of Baptisms, Marriages and Burials are to be kept, correct copies of the Registers of the said Parish deposited of Record in his Office, up to the end of the year one thousand eight hundred and forty-nine, and to certify the same under his hand as true and faithful copies, and to deliver the same to the Rector (*Curé*) of the said Parish for the time being, or to such other person as may have the custody of the Registers of the said Parish, to be kept in the Archives of the Fabrique thereof: and all extracts from the said copies made and certified by the Rector (*Curé*) of the said Parish for the time being, or other person having by law the custody of the said copies, shall be *prima facie* evidence of the facts therein stated.

Preamble.

Prothonotary of the Superior Court to furnish copies of Duplicate Registers in his Office, to the *Curé*, &c.,—

Effect of certified extracts from such copies.



## CAP. VII.

An Act for avoiding doubts as to the true meaning of a certain enactment in the Act regulating elections of Members of the Legislative Assembly.

[10th November, 1852.]

Preamble.

12 V. c. 27.

Recital.

True meaning  
of the recited  
enactment de-  
clared.

WHEREAS in the twenty-third section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act, the several Statutory provisions now in force for the regulation of Elections of Members to represent the people of this Province in the Legislative Assembly thereof*, it is enacted, "that on the day so fixed as aforesaid by the Returning Officer for closing the election, the said Returning Officer shall proceed at the appointed hour to the same place at which he shall have opened the election and granted a poll as aforesaid, and he shall then and there, in the presence of the Electors assembled, proceed to ascertain the state of the General Poll at the election, by counting and adding up from each Poll Book the total number of votes taken and recorded at the election in the whole County, Riding, City or Town, for which the election shall have been had; and as soon as he shall have so ascertained the total number of votes, he shall then and there openly proclaim, as being duly elected a Member or Members to represent such County, Riding, City or Town, in the said Legislative Assembly, the person or persons who shall have a majority of the total number of votes so counted and added up, which shall have been taken and recorded according to Law in all the Parishes or Townships, or Unions of Townships or Wards, or parts of Parishes or Townships, (as the case may be) in such County, Riding, City or Town":—and doubts might arise as to the true meaning of the words, "a majority of the total number of votes" used in the said enactment: For avoiding such doubts, Be it declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the true intent and meaning of the enactment recited in the Preamble to this Act is, that the Returning Officer shall add together the votes given for each Candidate at the several Polling places, as taken and recorded in the several Poll Books, and having so ascertained the total number of votes which each Candidate shall have received in the County, Riding, City or Town, shall proclaim as duly elected the Candidate who shall have received the greatest number of votes, and if two Members are



are to be elected, then also the Candidate who shall have the next greatest number of votes : and that it was not the intent of the said enactment that it should be necessary that the Candidate or Candidates proclaimed as elected should have an absolute majority of the whole number of votes polled.

## CAP. VIII.

An Act to amend two certain Acts therein mentioned and to make further provision for the management of the Post Office.

[10th November, 1852.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That so much of the Post Office Act and also of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Post Office Act*, as may be inconsistent with the provisions of this Act be and the same is hereby repealed.

Inconsistent enactments of 13 & 14 V. c. 17, and 14 & 15 V. c. 71, repealed.

II. And be it enacted, That it shall be the duty of the Post Master General to advertize Contracts for carrying the mails involving an annual cost of more than fifty pounds in a Newspaper published at the Seat of Government only in cases in which according to his judgment the public interest requires such advertizement to be made.

In what cases only contracts need be advertized at the Seat of Government.

III. And be it enacted, That when in the opinion of the Post Master General the lowest proposal received after Public Advertisement for the performance of the Mail Contract is excessive, he shall not be compelled to accept the said proposal, but may in his discretion either re-advertise the said Contract for further competition or offer to the persons from whom proposals have been received, each in his turn, beginning with the lowest, such sum as he may deem an equitable and sufficient price for the said Contract, and may enter into a Contract with such of the said persons as may accept his offer accordingly.

Proceedings when the P. M. G. shall deem the lowest tender excessive.

IV. And be it enacted, That the Post Master General may from time to time, with the approval of the Governor in Council, make any arrangement which may be deemed just and expedient for allowing the mails of the United States to be carried or transported at the expense of the said United States over any part or portion of this Province, from any one point in the territory of the said United States to any other point in the same

P. M. G. may allow U. S. mails to be carried through Canada on certain conditions.

same territory, upon obtaining the like privilege for the transportation of the Mails of this Province through the United States when required.

Such mails to be deemed, H. M. mails as regards the punishment of offences committed in respect thereof.

V. And be it enacted, That every United States' Mail so carried or transported as aforesaid shall, while within this Province, be deemed and taken to be a Mail of Her Majesty so far as to make any violation thereof, any depredation thereon, or any act or offence in respect thereto or to any part thereof, which would be punishable under the existing Laws of this Province in case the same had been a Mail or part of a Mail of this Province, an offence of the same degree and magnitude and punishable in the same manner and to the same extent as though the same were a Mail or part of a Mail of this Province; and in any indictment for such act or offence such Mail or part of a Mail may be alleged to be, and on the trial of such indictment shall be deemed and held to be a Mail or part of a Mail of this Province; and in any indictment for stealing, embezzling, secreting or destroying any Post letter, Post letter-bag, packet, chattel, money or valuable security sent by Post through and by all and every of the said United States Mail or Mails as aforesaid, it shall be lawful to lay in the Indictment to be preferred against the offender the property of such Post letter, Post letter-bag, packet, chattel, money or valuable security sent by Post as herein mentioned, in the Provincial Post Master General, and it shall not be necessary to allege in the Indictment or to prove upon the trial or otherwise that the Post letter, Post letter-bag, packet, chattel or valuable security was of value.

Property of letters, &c., may be laid in P. M. G.

Punishment of persons stealing, counterfeiting, &c., keys or locks used for mails.

VI. And be it enacted, That if any person shall steal, purloin, embezzle or obtain by any false pretence, or shall aid or assist in stealing, purloining, embezzling or obtaining by any false pretence, or shall knowingly or unlawfully make, forge or counterfeit, or cause to be unlawfully made, forged or counterfeited, or knowingly aid or assist in falsely and unlawfully making, forging or counterfeiting any key suited to any lock which has been or shall be adopted for use by the Post Office Department of Canada, and which shall be in use on any of the Mails or Mail-bags of the said Post Office Department, or shall have in his possession any such Mail-key or any such Mail-lock, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold or otherwise disposed of, such person shall, on conviction, be deemed guilty of felony and shall be punished by imprisonment in the Provincial Penitentiary for a period not exceeding seven years.

Post Masters may be allowed to be contractors.

VII. And be it enacted, That it shall be within the discretion of the Post Master General to authorize and allow a Post Master to undertake and perform a contract for the transportation of a Mail subject to the regulations applying to all Mail contracts, when,



when, in his opinion, the interests of the public service will be thereby promoted.

VIII. And be it enacted, That it shall be lawful for the Post Master General, or for any Post Master by him to that effect duly authorized, to detain any Post Letter suspected to contain any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, and to forward the same to the nearest Collector of Her Majesty's Customs, who, in the presence of the person to whom the same may be addressed, or in his absence, in case of non-attendance after due notice in writing from such Collector, requiring his attendance, left at or forwarded by the post according to the address on the letter, may open and examine the same ; and in case on any such examination any contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, shall be discovered, such Collector may detain the letter and its contents for the purpose of prosecution ; and if no contraband goods, wares or merchandize, or any goods, wares or merchandize on the importation of which into this Province any duties of Customs are by law payable, shall be discovered in such letter, the same shall, if the party to whom the same is addressed be present, be handed over to him on his paying the postage (if any) charged thereon, or if he shall not be present, the same shall be returned to the Post Office and be forwarded to the place of its address.

Letters suspected to contain contraband goods may be detained: proceedings in such case.

IX. And be it enacted, That no mail stage or other winter or summer vehicle carrying a Mail shall be exempt from tolls or dues on any Road or Bridge in this Province, unless in the Act or Charter authorizing such Road or Bridge, it is specially so provided ; but in respect of existing contracts the exemption which existed heretofore shall be continued unless on the arrival of the Stage or Vehicle at the toll-house, toll-bar, or other place where tolls or dues for the use of such Road or Bridge are collected, there be more than four passengers and an ordinary allowance of baggage for each passenger in or on such mail stage or other winter or summer vehicle carrying the Mail as aforesaid.

In what cases only vehicles carrying the mail shall be exempt from toll.

## C A P . I X .

An Act for the establishment of a Line of Steam Vessels, between this Province and the United Kingdom.

[10th November, 1852.]

**W**HEREAS it will tend greatly to advance the prosperity of the Province, that a Line of Steam Vessels should be established which should afford as frequent, direct and rapid communication between this Country and the United Kingdom

Preamble.

£19,000 stg.  
per annum  
appropriated  
for establish-  
ing a line of  
Steamers be-  
tween this Pro-  
vince and  
Liverpool.

Kingdom, at all seasons, as circumstances will permit : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor of this Province, to cause to be paid and applied annually, and during a period of seven years, from the first day of May, one thousand eight hundred and fifty-three, a sum not exceeding in any year nineteen thousand pounds, sterling, out of any unappropriated monies forming part of the Consolidated Revenue Fund of this Province, for the purpose of establishing a Line of Steam Vessels, to run once every fortnight each way between the Port of Liverpool, in England, and the Ports of Montreal and Quebec, in this Province, during such time in each year as the navigation of the River St. Lawrence shall be open, and once every month each way between the said Port of Liverpool and the Port of Halifax, in Nova Scotia, or the Port of Portland, in the State of Maine during the remainder of the year ; the said service to be performed and the said monies expended in such manner and under such regulations as the Governor in Council shall deem best adapted to advance the interests of this Province.

Exemption  
from dues.

II. And be it enacted, That the said Steam Vessels shall be exempt from all light dues, tonnage duties or provincial imposts on vessels navigating the River St. Lawrence.

Accounting  
clause.

III. And be it enacted, That the due application of the monies hereby appropriated shall be accounted for in the usual manner and form to the Parliament of this Province, and to Her Majesty, Her Heirs and Successors, in such manner and form as they shall be pleased to direct.

## C A P. X.

An Act to provide by one General Law for the Incorporation of Electric Telegraph Companies.

[10th November, 1852.]

Preamble.

**W**HEREAS it is expedient to provide by one General Law for the incorporation and regulation of Companies formed for the purpose of constructing lines of Electric Telegraph in this Province : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom



Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That—

I. Any number of persons, not less than three, may associate for the purpose of constructing a line or lines of Electric Telegraph, with branches leading to and from the same, from and to any point in this Province, upon the terms and conditions, and subject to the liabilities prescribed in this Act. Associations may be formed.

II. Such persons, under their hands and seals, shall make a Certificate which shall specify : Certificate to be made and filed.

1st. The name assumed to distinguish such Association, and to be used in its dealings, and by which it may sue and be sued, and a designation of the line or lines of Telegraph to be constructed by such association, and the route or routes by which such lines are to pass ;

2dly. The capital stock of such Association, and the number of shares into which the stock shall be divided, and any provision which may be made for increasing the same, the names of the Shareholders, and the amount of stock held by each ;

3dly. The period at which the said Association shall commence and terminate ;

4thly. A copy of their Articles of Association.

And such certificate shall be acknowledged before a Notary, and the original or a copy thereof, certified by such Notary, shall be filed in the office of the Secretary of the Province.

III. Upon complying with the provisions of the last preceding section, such Association shall be and is hereby declared to be a Body Corporate by the name so as aforesaid to be designated in the said Certificate, and a copy of such Certificate, duly certified by the Secretary of the Province, may be used as evidence in all Courts and places for and against such Association. Incorporation.

IV. Such Association shall have power to purchase, receive and hold and convey, such real estate and such only, as may be necessary for the convenient transaction of the business and for the effectually carrying on the operations of such Association, and may appoint such Directors, Officers and Agents, and make such prudential Rules, Regulations and By-laws as may be necessary in the transaction of its business, not inconsistent with the laws of this Province. Corporate powers.



Powers for  
the construc-  
tion of the  
line.

V. Such Association is authorized to construct the lines of Telegraph designated in its Certificate, along any and upon any of the public roads and highways, or across any of the waters within this Province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, provided the same shall not be so constructed as to incommode the public use of such roads or highways, or impede the free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters, and also upon any lands purchased by the Association, or the right to carry their line over which shall have been conceded to them by the parties having a right to make such concession, nor shall any thing herein contained be construed to confer on any such Association the right of building a bridge over any navigable water.

Penalty for  
injuring Tele-  
graph or  
works.

VI. Any person who shall wilfully and maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way disturb the working of the said Lines of Telegraph, shall, on conviction thereof, be deemed guilty of misdemeanor, and be punished by a fine not exceeding ten pounds, or imprisonment not exceeding one month, or both, at the discretion of the Court before which the conviction shall be had.

Increase of  
capital, &c.,  
may be pro-  
vided for.

VII. It shall be lawful for any Association of persons, incorporated under this Act, by their Articles of Association, to provide for an increase of their capital and of the number of their associates.

Amount of  
debts limited.

VIII. It shall not be lawful for any Association under this Act to contract debts exceeding one half of the amount of the Capital Stock of such Association; and all evidences of debt issued by such Association shall be issued and signed by the President and Treasurer thereof.

Existing Com-  
panies may  
avail them-  
selves of this  
Act.

IX. Any Telegraph Association or Company now organized may become incorporated under this Act, on filing in the office of the Secretary of the Province a certificate authorized by a resolution of its Board of Directors, signed and certified by the Secretary of the Company, containing the particulars hereinbefore required in like cases, and signifying its acceptance of this Act.

Duties of  
Company in  
transmitting  
Despatches.

X. It shall be the duty of the owner of, or of the Association owning any Telegraph line now in operation, or that may hereafter be in operation, to transmit all despatches in the order in which they are received, under a penalty of not less than five nor exceeding twenty-five pounds, to be recovered, with costs of suit, by the person or persons whose despatch is postponed out of its order; except that any Message in relation to the Administration

Administration of Justice, arrest of criminals, the discovery or prevention of crime, and Government Messages or Despatches, shall always be transmitted in preference to any other Message or despatch, if required by persons connected with the Administration of Justice, or any person thereunto authorized by the Provincial Secretary.

XI. Any Operator of any Telegraph Line, or person employed by any Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding twenty-five pounds, or to imprisonment for a period not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Penalty on Operators divulging secrets.

XII. Her Majesty may at any time, assume possession of any such Telegraph line and of all things necessary to the sufficient working thereof for any time, and may for the same time require the exclusive service of the Operators and other persons employed in working such line, and the Company shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such despatches as they may be required to receive and transmit by any duly authorized Officer of the Provincial Government, under a penalty not exceeding twenty-five pounds for any refusal or neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses of the Province, with costs, in any way in which debts of like amount are recoverable by the Crown.

Government may assume the same temporarily.

Duty of operators, &c., in such case.

XIII. Her Majesty may, at any time after the commencement of any Telegraph line under this Act, and after two months' notice to the Company, assume the possession and property thereof, and upon such assumption, such line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the Company, as regards such Line, shall be vested in the Crown.

Her Majesty may assume the property of the line.

XIV. If any difference shall arise between the Company and those who act for the Crown, as to the compensation which ought to be paid to the Company, for any Telegraph Line and appurtenances taken under the thirteenth section of this Act, or for the temporary exclusive use thereof under the twelfth section, such difference shall be referred to three Arbitrators, one to be appointed on the part of the Crown, another by the Company, and the third by the two so appointed Arbitrators, and the award of any two of the said Arbitrators shall be final; and in case of refusal or neglect by the Company to appoint an Arbitrator on their behalf, or if the two Arbitrators cannot agree upon a third Arbitrator, then such Arbitrator shall be appointed by any two Judges

Mode of settling the compensation in case of difference of opinion.



Judges of the Queen's Bench or Common Pleas in Upper Canada, or of the Superior Court in Lower Canada, on application on the part of the Crown.

Municipal Corporations and Joint Stock Companies may take stock in Telegraph Companies.

XV. It shall be also lawful for any Municipal Corporation in this Province, or for any Joint Stock Company incorporated under any Act of the Parliament of this Province, to subscribe for and hold Stock in any Company to be formed under this Act, and to pay the amount of such subscription out of any Municipal or other funds not specially appropriated to any other purpose, and to levy money by rate, for paying any such subscription; and such Municipal Corporation shall have such rights as a Member of the Company, and shall vote upon the Stock held by it in such manner and by the intervention of such person or officer, as shall be determined by the Articles of Association.

## C A P . X I .

An Act to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture.

[10th November, 1852.]

Preamble.

**W**HEREAS the improvement of Agriculture is an object of great importance to the people of this Province, and whereas the erection of Central Boards and the organization of Local Societies have been found eminently useful in promoting such improvement, but in the absence of a suitable provision for the collection and dissemination in an authentic form of facts and statistics relating to Agriculture, the full benefit of these Associations is not attained, and it is therefore expedient to provide for the establishment of a Bureau of Agriculture in connection with one of the Public Departments; and it is also expedient to amend and consolidate the laws now in force relating to Agriculture: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate The Lower Canada Agricultural Society*, and the Act passed in the same Session, and intituled, *An Act for the incorporation of The Agricultural Association of Upper Canada*, and the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish a Board*

Certain Act repealed.

10 & 11 Vict.  
c. 60 & 61.

13 & 14 Vict.  
c. 73.

14 & 15 Vict.  
c. 127.

*Board of Agriculture in Upper Canada*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the better organization of Agricultural Societies in Upper Canada*, shall be, and the same are hereby repealed, but all Agricultural Societies, Associations and Boards of Agriculture incorporated or otherwise, which have been lawfully organized or established under the said Acts, or any, or either of them, shall continue as if the said Acts were still in force, except in so far as such Societies, Associations or Boards may be altered or affected by this Act.

## BUREAU OF AGRICULTURE.

II. It shall be lawful for the Governor in Council to establish and organize a Bureau of Agriculture, which shall be attached to one of the Public Departments, and the Head of such Department shall be charged with the direction of the said Bureau, and shall in respect thereof be known as the Minister of Agriculture.

Governor may establish a Bureau and Minister of Agriculture.

III. The said Minister shall be *ex officio* Member of all Boards of Agriculture which now are or hereafter may be established in this Province. It shall and may be lawful for the Members of the Board of Agriculture to elect from among themselves a President and Vice President at their first meeting and every annual meeting thereafter.

Such Minister shall be *ex officio* President of all Boards of Agriculture.

IV. The said Minister shall also receive all applications, drawings, descriptions, specifications and models for or relating to Patents for Inventions in this Province, and shall keep the records thereof; and all Acts now in force relating to Patents for Inventions and which direct any thing to be done by or through the Provincial Secretary, shall be held to have directed the same to be done by or through the said Minister.

And keep the records of Patents for Inventions.

V. The said Minister shall also be a Member of the Board of Registration and Statistics, in the place of the Inspector General and shall be the Chairman thereof, and shall under the general direction of the said Board, have charge of the Census and other Statistical Returns.

And be Chairman of Board of Registration, &c.

VI. It shall be the duty of the said Minister to institute inquiries and collect useful facts and statistics relating to the Agricultural interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he may find best adapted to promote improvement within the Province, and to encourage immigration from other Countries; and he shall annually prepare and submit to Parliament within ten days after the opening of each Session thereof a detailed and succinct Report of his proceedings.

He shall collect statistics relating to Agriculture.



All Boards of Agriculture, &c., to answer official communications from the Bureau.

VII. All Boards of Agriculture, Agricultural Societies, Associations, Municipal Councils, Mechanics' Institutes, Public Institutions, and Public Officers in this Province, shall promptly answer official communications from the said Bureau of Agriculture, and shall make diligent efforts to supply correct information on all questions submitted to them respectively; and any Officer of any such Board, Society, Association, Council, or other Public Institution who shall refuse, or wilfully neglect to answer any question, or to furnish any information relating to the Agricultural interests, or the Statistics of this Province, whenever required so to do, either by the said Minister, or by any person duly authorized by such Minister in that behalf shall for every such offence incur a penalty of ten pounds currency, which penalty shall be recoverable by any person suing for the same before any Court of competent jurisdiction and shall be paid to Her Majesty.

### BOARDS OF AGRICULTURE.

Board of Agriculture constituted for L. C. 13 & 14 V. c. 73.

VIII. Whereas a Board of Agriculture has been established in Upper Canada under the authority of an Act of the Legislature of this Province, intituled, *An Act to establish a Board of Agriculture in Upper Canada*, and it is expedient to provide for the establishment of a similar Board in Lower Canada, and to simplify and reduce into one Act all provisions for the future operation and management of the said Boards respectively—Be it enacted, That it shall be lawful for the Governor in Council to constitute and appoint a Board of Agriculture for Lower Canada, to be composed of eight Members, exclusive of the *ex officio* members thereof; and it shall be the duty of the Lower Canada Agricultural Society established under and by virtue of the Act tenth and eleventh Victoria, chapter sixty hereby repealed, to take immediate steps to wind up its affairs, and so soon as the said Board shall be constituted, all the property moveable and immoveable which may remain and belong to the said Society after payment of its just debts, shall be transferred to and become the property of the said Board, and all actions or suits now pending or which may be brought by or against the said Society before the said Board shall be constituted, shall proceed to termination as if the said Act tenth and eleventh Victoria had not been repealed.

Presidents of Agricultural Associations to be *ex officio* Members of Boards.

IX. The Presidents, for the time being, of the Agricultural Associations hereinafter mentioned, and all Professors of Agriculture in chartered Colleges, Universities and other public educational institutions, shall respectively be Members *ex officio* of the Board for that section of the Province in which they reside.

Retirement from Office of four Members of Board.

X. Four Members of each Board shall annually retire and cease to be Members thereof, unless re-elected; and the names of the first four Members, who shall so retire, shall on or before the



the First day of October, in the year of our Lord one thousand eight hundred and fifty-three, be ascertained by lot in such manner as the said Boards may respectively determine, and the names of the retiring Members shall forthwith be published in the Agricultural Journals of the section of the Province in which they reside.

XI. The remaining Members (except *ex officio* Members who shall be exempt from the operation of this and the previous section) shall vacate their seats at the expiration of a year from the retirement of the said first four Members, and so on in rotation, each seat being vacated every alternate year, but retiring Members may continue to exercise all their functions until their successors have been duly elected as herein-after provided.

As to remain-  
ing Members  
vacating  
Office.

XII. The County Agricultural Societies in Upper and Lower Canada respectively, shall, at their annual Meetings in February, in the year of Our Lord, one thousand eight hundred and fifty-four, and at each annual Meeting thereafter, nominate four fit and proper persons to be Members of the said Boards of Agriculture respectively, and shall forthwith transmit the names of the persons so nominated to the Bureau of Agriculture, and the four persons who shall have been nominated by the greatest number of Societies shall be Members of the said Boards respectively, in the place of the Members vacating their seats as aforesaid. Vacancies which may at any time happen through death, resignation or otherwise, may be filled up by the Governor in Council.

County Agri-  
cultural Socie-  
ties to nomi-  
nate Members  
of Boards of  
Agriculture.

XIII. In case of an equality of votes for one or more of the persons so nominated, the Minister of Agriculture shall decide which shall be the Member, and he shall cause the persons so nominated, and the Boards to which they are nominated respectively, to be immediately notified of the result.

Minister to  
decide in case  
of equality of  
votes.

XIV. It shall not be lawful for either of the said Boards to pay or allow any sum to a Member thereof, for acting as such Member, except the amount of his actual necessary expenses in attending the regular meetings of the Board, but each of the said Boards may appoint a Secretary from among themselves or otherwise, and may pay him a reasonable salary for his services.

Members of  
Boards to re-  
ceive only  
their ex-  
penses.

XV. The regular Meetings of the said Boards shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President or Vice-President, or upon the written request of any three Members, and at least five days' notice of such Meeting shall be given to each Member, and it shall be lawful for the Board, in the absence of the President and Vice-President, to appoint a Chairman *pro tempore*, and five Members shall be a *quorum*.

Holding of re-  
gular Meet-  
ings.

XVI.

Duties of  
Boards.

XVI. It shall be the duty of the said Boards to receive the Reports of Agricultural Societies, and before granting the certificates hereinafter mentioned, to see that they have complied with the law; to take measures, with the approbation of the Minister of Agriculture, to procure and set in operation a model, illustrative or experimental farm or farms in their respective sections of the Province, and in connection with any public school, college or university, or otherwise, and to manage and conduct the same; to collect and establish, at Toronto and Montreal respectively, an Agricultural Museum and an Agricultural and Horticultural Library; to take measures to obtain from other countries animals of new or improved breeds; new varieties of grain, seeds, vegetables or other agricultural productions; new or improved implements of husbandry or new machines which may appear adapted to facilitate agricultural operations; and to test the quality, value and usefulness of such animals, grain, seeds, vegetables or other productions, implements or machines, and generally to adopt every means in their power to promote improvement in the agriculture of this Province; and the said Boards shall keep a Record of their respective transactions, and shall from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies and farmers generally, all such Reports, Essays, Lectures and other useful information as the said Boards respectively may procure and adjudge suitable for publication; and, if the said Boards or either of them shall publish a monthly Journal, or adopt as their channel of communication with Agricultural Societies the Agricultural Journals now published in Upper and Lower Canada respectively, it shall be the duty of all Agricultural Societies receiving any share of the Public Grant to give at least one month's notice of the time and place of holding their Exhibitions in the Journals so published or adopted by the said Boards respectively.

They shall  
transmit to the  
Bureau copies  
of their By-  
laws, &c.

XVII. The said Boards shall transmit to the Bureau of Agriculture a copy of all their resolutions, By-laws or other formal proceedings, immediately after the adoption thereof, and every resolution, By-Law, or other proceeding of the said Boards respectively which may involve an expenditure of money to an amount exceeding ten pounds, shall not be passed except with the assent of a majority of the members thereof.

And shall be  
Bodies Cor-  
porate.

XVIII. Each of the said Boards shall be and become a Body Corporate, and shall have power to acquire and hold land and personal property, and to sell, lease or otherwise dispose of the same.

#### AGRICULTURAL ASSOCIATIONS.

Recital.

XIX. Whereas an Agricultural Association has existed for some time past in Upper Canada, and by means of annual exhibitions of the productions of that section of the Province, has effected much good and whereas it is expedient to organize



a similar Association in Lower Canada, and to make provision for the future support and management of the said Associations :  
Be it therefore enacted as follows :

The Members of the Boards of Agriculture, the Presidents and Vice-Presidents of all lawfully organized County Agricultural Societies, and all subscribers of Five Shillings annually, shall in their respective sections of the Province, be and constitute an Agricultural Association for that section.

Agricultural Associations constituted.

XX. The Members of the Board of Agriculture and the Presidents and Vice-Presidents of County Societies, (or any two Members whom a County Society may have appointed Directors instead of its President and Vice-President) shall be the Directors of such Agricultural Association, and it shall be lawful for the Agricultural Association to elect a Treasurer.

Directors of Agricultural Associations.

XXI. The said Associations shall each hold an Annual Fair or Exhibition, which shall be open to competitors from any part of the Province, and the said Directors shall hold an annual meeting during the week of the annual Exhibition, and may at such meeting elect a President and Vice-Presidents, and appoint the place for holding the next meeting and Exhibition of the Association, and may make rules and regulations for the management of such Exhibition, and may appoint a local Committee at the place where such Exhibition is appointed to be held, and prescribe the powers and duties of the said Committee.

Annual Fairs or exhibitions to be held.

XXII. The Board of Agriculture shall be the Council of the Association, with full power to act for and on behalf of the Association between the annual meetings thereof, and all grants of money, subscriptions, or other funds made or appropriated to or for the use of the Association, (except money collected by or granted to any local Committee for the local expenses of an Exhibition) shall be received by and expended under the direction of the said Board, and the Secretary of the Board shall be *ex officio* Secretary of the Association.

Board of Agriculture to be the Council of the Association.

XXIII. All contracts and all legal proceedings by, with, or concerning the Association, shall be made and had with the Board of Agriculture in its Corporate capacity, and no other contracts, agreements, actions or proceedings shall bind or affect the Association.

Contracts, &c., be made with Board in its Corporate capacity.

XXIV. It shall be lawful for the Municipality of any City, Town, Village, County, Township or Parish in this Province, to grant money in aid of the Agricultural Association for that part of the Province to which the Municipality belongs.

Municipalities may grant money in aid of Agricultural Associations.



## AGRICULTURAL SOCIETIES, UPPER CANADA.

Act 14 & 15  
Vict. c. 127,  
cited.

XXV. Whereas the Act to provide for the better organization of Agricultural Societies in Upper Canada, passed during the now last Session, requires some amendments, and it is expedient to re-enact the same, and to embody therein the said amendments: Be it therefore enacted as follows:

## COUNTY SOCIETIES.

County Agri-  
cultural So-  
cieties.

A County Agricultural Society may be organized in each of the Counties of Upper Canada, whenever fifty persons shall become Members thereof, by signing a Declaration in the form of the Schedule A to this Act annexed, and subscribing each not less than Five Shillings annually to the Funds of the said Society, and a true copy of the said Declaration shall within one month after being so signed be transmitted to the Board of Agriculture.

Their object  
and duties.

XXVI. The object of the said Societies, and of the Township or Branch Societies in connection therewith, shall be to encourage improvement in Agriculture, by holding Meetings for discussion, and for hearing Lectures on subjects connected with the theory and practice of improved Husbandry, by promoting the circulation of the Agricultural Periodicals published in the Province; by importing or otherwise procuring Seeds, Plants and Animals of new and valuable kinds; by offering prizes for Essays on Questions of Scientific Enquiry relating to Agriculture, and by awarding Premiums for Excellence in the raising or introduction of Stock, the invention or improvement of Agricultural Implements and Machines, the production of grain and all kinds of vegetables, and generally for excellence in any Agricultural Production or Operation; and it shall not be lawful to expend the Funds of the Societies, derived from subscriptions of Members, or the Public Grant, for any object inconsistent with those above mentioned; and the Directors of every such County Society at any meeting which shall be called by written notice as hereinafter mentioned, and in which notice the object of the meeting shall have been specified, shall have full power to make, alter and repeal By-laws and Rules for the regulation of such Society and the carrying out of its objects.

Annual Meet-  
ings—  
Election of  
Officers.

XXVII. The said Societies shall hold their annual Meeting in the month of February in each year, and shall at such Meeting, elect a President, two Vice-Presidents, a Secretary and Treasurer, and not more than seven Directors.

Presidents of  
Township  
Societies, &c.,  
to be Directors  
of County-Soc-  
iety.

XXVIII. The Presidents of the several Township Agricultural Societies, within the County, shall, in addition to those before mentioned, be *ex officio* Directors of the County Society, and the said Officers and Directors shall and may for the year next following

following the Annual Meeting, and until the election of their successors, exercise all the powers vested in the County Society by this Act.

XXIX. The Meetings of the Officers and Directors shall be held pursuant to adjournment, or called by written notice to and given by authority of the President, or in his absence the Senior Vice-President, at least one week before the day appointed; and at any Meeting five shall be a quorum.

Meetings of  
Officers and  
Directors.

XXX. The said Officers and Directors shall in addition to the ordinary duties of management, cause to be prepared, and shall present at the Annual Meeting, a Report of their proceedings during the year, in which shall be stated the names of all the Members of the Society, the amount paid by each set opposite his name, the names of all persons to whom Premiums were awarded, the amount of such Premiums respectively, and the name of the Animal, Article or thing in respect of which the same was granted, together with such remarks upon the Agriculture of the County, the improvements which have been or may be made therein, as the Directors shall be enabled to offer; there shall also be presented to the said Annual Meeting, a detailed statement of the receipts and disbursements of the Society during the year, which Report and Statement, if approved by the meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President or a Vice-President, as being a correct entry, and a true copy thereof certified by the President or Secretary for the time being, shall be sent to the Board of Agriculture, on or before the first day of April following.

Annual  
Reports of  
proceedings.

XXXI. The County Society shall receive the Reports of the Township or Branch Societies, and shall transmit them to the Board of Agriculture, with such remarks thereon as may enable the said Board to obtain a correct knowledge of the progress of Agricultural Improvement in the County.

Reports shall  
be transmitted  
to Board.

XXXII. It shall be the duty of the said Officers and Directors to answer such queries, and give such information as the Board of Agriculture, or Minister of Agriculture may from time to time, by Circular Letter, or otherwise, require, touching the interests or condition of Agriculture in their County, and generally to act as far as practicable upon the recommendations of the said Board.

Duty of Offi-  
cers with res-  
pect to circu-  
lars. &c., from  
Board of Agri-  
culture, &c.

## TOWNSHIP SOCIETIES.

XXXIII. A Township or Branch Agricultural Society may be organized in each Township of any County, or in any two or more Townships together, whenever a sufficient number of persons shall become Members, by signing a declaration in the form of the Schedule A. to this Act annexed, and subscribing each

Branch Agri-  
cultural Socie-  
ties in Town-  
ships.



each not less than Five Shillings annually to the funds thereof, to raise an aggregate sum of not less than Ten Pounds, and a true copy of the said Declaration certified by the President or Vice-President of such Society, shall be forthwith transmitted to the County Society.

Annual Meetings thereof.

XXXIV. The said Societies shall hold their Annual Meeting in the month of January in each year, and shall elect a President, Vice-President, Secretary and Treasurer, and not fewer than three or more than nine Directors.

Reports by their Officers.

XXXV. The said Officers and Directors shall prepare and present to the Annual Meeting of the Society, a Report of their proceedings during the year, in the same manner as hereinbefore directed for County Societies, and containing information under the same heads; and shall transmit a true copy thereof, certified by the President or Vice-President, to the Secretary of the County Society, in time for the Annual Meeting thereof in the month of February.

#### GENERAL PROVISIONS.

As to Holding of Exhibitions in cases where there may be a County Society and Township Societies in the same County.

XXXVI. The Exhibition of the County Society shall be held at the County Town, but it shall be lawful for the Directors of the County Society, from time to time if they think fit, on the Petition of the Directors of the Society, of any Township (or Townships united for the purposes of this Act) other than the Township in which the County Town stands to appoint an Exhibition of the County Society, to be held within such other Township or United Townships, and in such case the Township Society so petitioning, shall not hold an Exhibition for that year, but the same shall merge in the Exhibition of the County Society, and the Funds of the Township or Branch Society for that year's Exhibition, shall be paid over to the Treasurer of the County Society: Provided that any Township or Branch Society shall not forfeit any right to a share of the Public Grant for not making a full Report for such year; Provided also, that the Directors of the Society of the Township in which the County Exhibition shall be held, shall for that year be *ex officio* Directors of the County Society.

Proviso.

As to Government grant to County Societies.

XXXVII. When the President and Secretary of the Board of Agriculture shall certify to the Minister of Agriculture, that any County Society has sent to the said Board Reports and Statements as required by this Act, for the year then last previous, and shall also certify that the Treasurer or other Officer of the said Society, has transmitted to the said Board an Affidavit, which may be in the form of the Schedule B to this Act annexed, and may be sworn to before any Justice of the Peace who is hereby authorized to receive the same, stating the amount subscribed for that year, and paid to the Treasurer of the County Society by the Members thereof, and



and by the several Township Societies of the said County, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such County Society, for a sum to be taken out of any unappropriated moneys in the hands of the Receiver General, equal to three times the amount appearing by the said affidavit to be in the hands of the Treasurer : *Provido,* that no Grant shall be made unless Twenty-five Pounds be first subscribed and paid to the Treasurer ; and provided that the whole amount granted to any County Society shall not exceed *Provido.* Two hundred and fifty pounds in any year ; and provided also that it shall not be necessary that any County Society should have sent Reports and Statements as above mentioned to the Board of Agriculture, in order to obtain the Government allowance under this section for the first year in which it shall be established, but it shall be sufficient that such Society has complied with the other requirements of this Act.

XXXVIII. *Provido.* Provided always, That in the case of Counties united for judicial purposes, a County Society may be formed for the said United Counties, or for any one or two of such Counties, but the amount granted from the Public Fund to the Society for any two of such United Counties, shall not exceed two hundred and fifty pounds, and the amount granted to the Society for any one of the said United Counties, shall not exceed one hundred and fifty pounds. *As to Counties united for Judicial purposes.*

XXXIX. Every Township or Branch Society, organized according to this Act, and sending a report of its proceedings to the County Society, as hereinbefore required, shall be entitled to a share of the grant to the County Society, in proportion to the amount which shall have been subscribed by the Members of such Township or Branch Society, and deposited with the Treasurer of the County Society, on or before the first day of May, in each year, as compared with the amounts so deposited by the other Township and Branch Societies of the said County ; and the sum so deposited by any Township or Branch Society shall be repaid, along with its share of the Public Grant, so soon as the said grant shall have been received by the County Society : *Provido.* Provided always, that not more than three fifths of the sum so received by any County Society shall be subject to division among Township or Branch Societies ; And provided that the declaration mentioned in section thirty-four, shall be deemed a sufficient report for the first year in which any Township or Branch Society may have been organized ; And provided, that nothing in this Act contained shall be construed as admitting any Member of a Township Society in virtue of his subscription thereto, and without further subscription to the County Society to any of the privileges of a Member of such County Society.

XL. The Board of Agriculture shall receive from government, and pay over to the County Societies, the Public Grants *Board of Agriculture to*  
to

pay Public  
Grant to  
County So-  
cieties.

to which they are respectively entitled, and it shall be lawful for the said Board to retain, for the use of the Agricultural Association, one tenth part of all such grants.

Penalty on  
Treasurers in  
certain cases.

**XL1.** Any Treasurer or other Officer of any County, Township or Branch Society, who shall make affidavit that a subscription, or any sum of money, has been paid to him for the Society, when it has not been so paid, or who shall return any such subscription, shall forfeit and pay to Her Majesty the sum of Ten Pounds for every such offence, and shall be guilty of perjury and be held liable to all the penalties with which the law may visit that crime.

County So-  
cieties to be  
Bodies Cor-  
porate.

**XLII.** The several County Societies organized according to the provisions of this Act, or of the said Act of the 14th and 15th Victoria, intituled, *An Act to provide for the better organization of Agricultural Societies in Upper Canada*, shall be and become Bodies Corporate, with power to acquire and hold land as a site for Fairs and Exhibitions, or for a School Farm, and to sell, lease, or otherwise dispose of the same; and any Township or Branch Society lawfully organized as aforesaid, may at any regular Meeting adopt a Resolution that the said Society is desirous of being incorporated, and upon filing the said resolution with the Secretary of the Board of Agriculture, such Society shall thenceforth be and become a Body Corporate, and shall have like powers with County Societies.

School-Farms  
may be esta-  
blished.

**XLIII.** It shall and may be lawful for any County or Township Society, or the Municipal Council of any County or Township of Upper Canada, to purchase and hold land for the purpose of establishing a School-Farm to instruct pupils in the science and practice of Agriculture, and any Society and any Municipal Council may purchase and hold such School-Farm conjointly or otherwise, and may conjointly or otherwise make all necessary rules and regulations for the management thereof, provided that not more than one hundred acres of land shall be so held by any Society or Council, whether conjointly or otherwise.

#### SCHEDULE A.

Schedule re-  
ferred to in  
s. 34.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of the Act of the Legislature, (*title and date of this Act*), to be called the "County (Township or Branch, *as the case may be*), Agricultural Society of the County of \_\_\_\_\_" (or Township of \_\_\_\_\_); and we hereby severally agree to pay to the Treasurer yearly, while we continue Members of the Society, (any member being at liberty to retire therefrom upon giving notice in writing to the Secretary, at any time before the annual meeting, of his wish so to do,) the sums opposite our respective

respective names, and we further agree to conform to the Rules and By-Laws of the said Society.

Names.	£.	s.	d.

SCHEDULE B.

County of }  
to wit: }

I, A. B., of the Township of \_\_\_\_\_, Treasurer of  
the County Agricultural Society of \_\_\_\_\_, make oath and  
say, that the sum of \_\_\_\_\_ has been paid into my hands, Schedule re-  
ferred to in  
s. 38.  
since the first day of February last, by the Township Agri-  
cultural Societies of the said County, as and for the Members'  
subscription for this year; and that the sum of \_\_\_\_\_  
has been paid into my hands, as subscriptions for this year, by  
members of the said County Society; and that the said sums,  
making in the whole the sum of \_\_\_\_\_, now remain in  
my hands, ready to be disposed of, according to law.

Sworn to before me }  
this \_\_\_\_\_ day of }  
A. D. 185 . }

A. B.

C. D.  
Justice of the Peace for the  
County of \_\_\_\_\_.

C A P . X I I .

An Act to make more effectual provision for enforcing  
the Legal Rights of the Crown in regard to Public  
Works in Lower Canada.

[10th November, 1852.]

**W**HEREAS it is expedient to make more effectual provi- Preamble.  
sion for enforcing the Rights of the Crown in regard to  
Public Works in Lower Canada: Be it therefore enacted by  
the Queen's Most Excellent Majesty, by and with the advice  
and consent of the Legislative Council and of the Legislative  
Assembly of the Province of Canada, constituted and assem-  
bled by virtue of and under the authority of an Act passed in  
the



A Guardian may be appointed to take possession of real property for the recovery of which an action is brought by the Crown.

the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever an action is brought on behalf of the Crown, to recover possession of any Pier, Road, Bridge, Building or other Public Work constructed by or at the expense of the Government of this Province, and situate in Lower Canada, it shall be lawful for the Court before which such action is brought or any one of the Judges thereof, to order the Sheriff of the District to put such person or persons as may be named for that purpose by the Attorney General, Solicitor General, or other Officer prosecuting such action and moving or petitioning for such order, in possession of the Public Work designated in such action or in regard of which such action is brought, together with its appurtenances; such Public Work and appurtenances to be held by such person or persons as the guardian (*gardien*) or guardians thereof during the pendency of such action.

Order for delivery to guardian, how obtained,

II. And be it enacted, That every such order may be moved or petitioned for and made, at any time after the service of the Writ of Summons in the action, either before or after the return thereof, and either in Term or in Vacation, and shall be granted upon affidavit shewing to the satisfaction of the Court or Judge, that the Public Work in question belongs to Her Majesty, and is unjustly or illegally detained by the Defendant.

Sheriff to *fiat* guardian in possession.

III. And be it enacted, That it shall be the duty of the Sheriff upon receipt of any such Order, to put the person or persons therein appointed as such guardian or guardians, in possession of the Public Work therein designated, and to adopt all lawful means for that purpose.

## C A P. XIII.

An Act to authorize the appointment of Assistant Judges of the Superior Court for Lower Canada in certain cases.

[10th November, 1852.]

Preamble.

WHEREAS great public inconvenience might arise from the illness or unavoidable absence of a Judge of the Superior Court for Lower Canada, at a time when no other Judge of the same Court could be spared to perform his duties; and it is therefore expedient that the Governor of this Province should in such cases have power to appoint an Assistant Judge of the said Court: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the

the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever any Judge of the Superior Court shall, by illness, suspension from office, or other cause, be unavoidably prevented from performing his duties as such Judge, it shall be lawful for the Governor, if he shall see fit, to appoint by an Instrument under the Great Seal of the Province, some person qualified to be appointed a Judge of the said Court, to be an Assistant Judge thereof, either for a time certain, to be limited in such Instrument, or during the time the Judge first mentioned shall continue unable to perform his duties, in which last case the appointment of such Assistant Judge shall determine whenever such first mentioned Judge shall resume the performance of his duties or another Judge shall be appointed in his place: and during the time the appointment of any such Assistant Judge shall remain in force, he shall have and exercise all the powers and authority, and perform all the duties by law vested in or assigned to a Judge of the said Superior Court, as if he had been appointed a Judge thereof, and shall reside at the place named for that purpose in the Instrument appointing him.

Assistant Judges of the Superior Court may be appointed in certain cases.

## C A P. X I V.

### An Act to amend the Act providing for the Summary Decision of Small Causes in Lower Canada.

[10th November, 1852.]

**W**HEREAS experience hath shewn the necessity of introducing certain alterations in the provisions of an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to provide for the Summary Trial of Small Causes in Lower Canada*; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That on a petition signed by an absolute majority of the inhabitants of a Parish, Seigniorship or Township in Lower Canada, in which there now is, or in which there may then be a Court for the trial of Small Causes, and who are entitled to vote at the election of Municipal Councillors, which petition shall have annexed to it a Certificate of at least three persons residing in such Parish, Seigniorship or Township, (and who shall be respectively either Justices of the Peace or Officers of Militia holding rank higher than an Ensign,) certifying that the persons signing the petition do really form an absolute majority of the Municipal Electors residing in such

Preamble.

Act 7 V. c. 19.

Court may be discontinued on petition of an absolute majority of the Municipal Electors of the place.



Proviso.

such Parish, Seigniorship or Township, the said petition praying that the Commissioners' Court in the said Parish, Seigniorship or Township may be suspended or discontinued, it shall be lawful for the Governor in Council to suspend or discontinue it; Provided always, that after the passing of this present Act no Commissioners' Court shall be established or re-established, unless on a petition signed by an absolute majority of the Municipal Electors of a Parish, Seigniorship or Township in Lower Canada, and certified as aforesaid.

## CAP. XV.

An Act to extend and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to provide for the appointment of Magistrates for the more remote parts of this Province.*

[10th November, 1852.]

Preamble.

Provisions of  
9 Vict., cap.  
41, extended  
to Justices ap-  
pointed in cer-  
tain places,  
and for certain  
purposes.

WHEREAS it is expedient that more ample provisions should be made for the appointment of Justices of the Peace to act and have jurisdiction in the remote parts of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council, in the manner provided for in an Act passed in the ninth year of Her Majesty's reign, intituled, *An Act to provide for the appointment of Magistrates for the more remote parts of this Province*, to name and appoint such and so many fit and proper persons as may be deemed expedient to be, and act as Justices of the Peace within, and whose jurisdiction as such Justices of the Peace shall extend over such remote part or parts of Lower Canada, as the Governor in Council may by Proclamation define and declare, although such remote part or parts may be comprised within the constituted limits of any District of this Province, any thing to the contrary in the said Act contained notwithstanding, and that all the provisions of the said Act shall be deemed to apply and shall apply, to any Justice of the Peace to be appointed by virtue of this Act; and also to any Officer or Officers in command of any of Her Majesty's Vessels in the Gulf and River St. Lawrence, and to any other person who may have been or shall have been appointed a Justice of the Peace, with instructions to act as such in the Gulf and River St. Lawrence, and on the shores of the said Gulf and River, for the better protection of those of Her Majesty's subjects who are or shall be engaged in the trade of the Fisheries in the



the said Gulf and River, in the same manner as if the said places and persons above mentioned and described were specially named and described in the said Act ; any thing to the contrary in the said Act contained notwithstanding.

## C A P . X V I .

An Act further to extend the period limited for certain purposes by the Montreal Registry Act.

[10th November, 1852.]

**W**HEREAS it is expedient still further to extend and continue for a limited time certain provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Deeds and Instruments relating to Real Property, in the Registry Office at Montreal*, which said provisions were extended and continued by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to extend the period limited for certain purposes in the Montreal Registry Act*, and were again further continued and extended by the fifth Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to continue for a limited time the several Acts and Ordinances therein mentioned and for other purposes*, until the thirtieth day of August in the present year: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the Act first mentioned in the Preamble to this Act, or in the Acts secondly and thirdly mentioned therein, the period of twelve months from the passing of the said first mentioned Act, which is therein limited as the period during which the registration of certain Instruments may be efficiently completed in the manner in the said Act provided, and during which no error, omission or irregularity on the part of the late Edward Dowling, or his Deputy, shall be held to render the registration of any Instrument incomplete or void, and during which certain other things may or must be done under the said Act, shall be and is hereby extended to the thirty-first day of December in the present year, one thousand eight hundred and fifty-two, including the said day ; and the said Act and this Act shall be construed and have effect, to all intents and purposes whatsoever, and all Commissions issued under the said Act, and all things done or to be done by the Commissioners appointed under the same, shall be as valid and effectual, as if the period

Preamble.

12 Vict. c. 121.

13 & 14 V. c. 93.

14 & 15 V. c. 63.

Period allowed for certain purposes by 12 V. c. 121. extended.

Exception.

last aforesaid had been mentioned in every part of the said Act instead of the period of twelve months from the passing thereof, and as if this Act had been passed before the expiration of the time to which the period last mentioned was extended and continued by the Act thirdly mentioned in the Preamble to this Act ; save and except that the said Commissioners shall not after the first day of November in the present year, receive any Instrument, or any new Evidence, written or parole, as to the time when any Instrument was presented to or received by the said Edward Dowling or his deputy, or as to the fact of its having been presented to or received by either of them, but the said Commissioners shall be governed solely by such Instruments and Evidence as they shall have received and have in their possession on or before the day last above mentioned.

Interpretation

II. And be it enacted, That the word "Instrument" in this Act shall have the meaning assigned to it in the Act first mentioned in the Preamble to this Act.

## CAP. XVII.

An Act to give effect to certain proceedings under the Act intituled, *An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight.*

[10th November, 1852.]

Preamble.

12 Vict. c. 58.

**W**HEREAS by the Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight*, it was among other things enacted and provided, that the Commissioners to be appointed under the said Act, should report their proceedings to the Governor of this Province on or before the first day of September, one thousand eight hundred and fifty, and that no sitting of the said Commissioners should be held after the said first day of September in the said year ; And whereas in fact the Commissioners appointed under the said Act were compelled for the better discharge of their duties as such Commissioners, and from the number of applicants under the said Act, to hold several of their meetings after the said day, and did make their report after the said day ; And whereas it is expedient to give effect to the sittings, proceedings and report of the said Commissioners : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority

of



of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all the sittings and proceedings of the said Commissioners, and the report of the said Commissioners, shall in law and to all intents and purposes be held good and valid in the same manner as if the same had been had, held, or made on or before the said first day of September, as in the said Act prescribed, notwithstanding any thing to the contrary in the said Act contained.

Proceedings  
of Commissi-  
oners con-  
firmed.

## C A P. X V I I I.

An Act to provide for the better Organization of Agricultural Societies in Lower Canada.

[10th November, 1852.]

**W**HEREAS the Acts in force for the encouragement of Agriculture in Lower Canada require amendments, and it is expedient to consolidate in one Act all the provisions relating to Agricultural Societies: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and better to encourage Agriculture in Lower Canada by the establishment of Agricultural Societies therein*,—the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Act for the encouragement of Agriculture by the establishment of Agricultural Societies in Lower Canada*, and the Act passed in the same year, and intituled, *An Act to allow the formation of more than one Agricultural Society in a County in Lower Canada, and for the relief of the Society for the County of Montreal*, are hereby repealed: Provided always that the County Societies formed under the above mentioned Acts shall continue to exist until the time hereinafter provided for the formation of new Societies, and that all sums due at the time of the passing of this Act to any Agricultural Society under the said Acts, or by such Society under engagements entered into by it, shall be delivered to or by such Society, as provided by the said Acts.

Preamble.

Acts

8 v. c. 53,

9 v. c. 14,  
and

9 v. c. 24,  
repealed.

Proviso: ex-  
isting Socie-  
ties continued  
for a certain  
time.

II. From and after the First day of January, one thousand eight hundred and fifty-three, a County Agricultural Society may be organized in each of the Counties of Lower-Canada, whenever Society may be formed in each County, and how.



whenever thirty persons shall become Members thereof, by signing a declaration in the form of the Schedule A to this Act annexed, and subscribing each not less than five shillings annually to the Funds of the said Society, and a true copy of the said declaration shall, within one month after being so signed, be transmitted to the Board of Agriculture.

Object of such Societies, and how to be promoted.

III. The object of the said Societies, shall be to encourage improvement in Agriculture, by holding Meetings for discussion, and for hearing Lectures on subjects connected with the theory and practice of improved Husbandry, by promoting the circulation of the Agricultural Periodicals published in the Province; by importing or otherwise procuring Seeds, Plants and Animals of new and valuable kinds; by offering Prizes for Essays on Questions of Scientific Enquiry relating to Agriculture; and by awarding Premiums for excellence in the raising or introduction of Stock, the invention or improvement of Agricultural Implements and Machines, the production of grain and all kinds of vegetables, and generally for excellence in any Agricultural Production or Operation; and it shall not be lawful to expend the Funds of the Societies, derived from subscriptions of Members, or the Public Grant, for any object inconsistent with those above mentioned.

Annual Meetings :—  
Directors, 7.

IV. The said Societies shall hold their Annual Meeting in the month of February in each year, and shall, at such Meeting, elect a President, a Vice-President, and a Secretary Treasurer, and not more than seven Directors, all of whom shall form the Board of Directors for such Society.

Term of office.

V. The Officers and Directors of the said Society shall and may, for the year next following the Annual Meeting, and until the election of their successors, exercise all the powers vested in the Society by this Act, and they shall hold their Meetings pursuant to adjournment or written notice to each from the President, or, in his absence, from the Vice-President, which shall be given, at least, one week before the day appointed for such Meeting, and at such Meeting five shall be a quorum, and the said Officers and Directors shall have power, at every such Meeting, to make, alter and repeal By-Laws and Rules for the management of the Society.

Meetings.

Quorum 5.  
Powers.

Annual Report to be made by Directors;—what it shall contain.

VI. The said Officers and Directors shall, in addition to the ordinary duties of management, cause to be prepared, and shall present at the Annual Meeting, a Report of their proceedings during the year, in which shall be stated the names of all the Members of the Society, the amount paid by each set opposite his name, the names of all persons to whom Premiums were awarded, the amount of such Premiums respectively, and the name of the Animal, Article or Thing in respect of which the same was granted, together with such remarks upon the Agriculture of the County, the improvements which have been

or may be made therein, as the Directors shall be enabled to offer; there shall also be presented to the said Annual Meeting a detailed Statement of the receipts and disbursements of the Society during the year, which Report and Statement, if approved by the Meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President or Vice-President, as being a correct entry, and a true copy thereof, certified by the President, Vice-President, or Secretary, for the time being, shall be sent to the Board of Agriculture, on or before the first day of April following.

Statement of  
disbursements  
and receipts.

VII. It shall be the duty of the said Officers and Directors to answer such queries, and give such information as the Board of Agriculture, or Minister of Agriculture may from time to time, by Circular Letter or otherwise, require, touching the interests or condition of Agriculture in their County, and generally to act as far as practicable, upon the recommendation of the said Board.

Answering  
Queries of  
Board, &c.

VIII. Each County Society established as above mentioned, shall be required in each year to hold at least one Show for the Exhibition of Agricultural produce, Farm Stock, and all other objects relative to Agriculture, in the manner in which they are usually held in Lower Canada, and Prizes shall be granted at the said Shows for the best Specimens produced, in the manner to be prescribed by the Board of Officers and Directors, and notice whereof shall have been publicly posted in each Parish and Township of the County; and the said Prizes may be distributed in Money, Books on Agriculture, Agricultural Implements of an improved description, or Grain of superior quality, on the award of at least two Judges, who shall be appointed by the Officers and Board of Directors of the Society; the said Judges shall not be capable of receiving any of the Prizes so awarded, and shall not be allowed more than Ten Shillings for Inspection at a Show, nor more than Two Pounds for the Inspection of growing Crops.

Society to hold  
at least one  
Shows in each  
year.

Prizes.

Compensation  
to Judges.

IX. In case the Board of Officers and Directors of any County Society shall consider that any other system might be substituted for that of Shows, and that the sum allotted to each County might be better applied, either to the establishment of one or two Economical Model Farms, or Agricultural Schools, for a Public Granary, or to any other purpose for the improvement of Agriculture, it shall be lawful for such Society, through its Board of Officers and Directors, so to apply the said sum: Provided, notice thereof shall have been given to the Board of Agriculture and its approval obtained in behalf of such proposition.

What may be  
substituted for  
Shows with  
approval of  
Board.

X. No portion of the moneys belonging to any such Society shall be applied to the payment of any Salary or Allowance; except however, that a sum not exceeding seven per cent shall be

No Salaries to  
be paid: ex-  
cept an allow-

be



ance to Secre-  
tary-Trea-  
surer.

be allowed to the Secretary-Treasurer on all moneys expended by such Society under this Act, in lieu of Salary and Allowance for Stationery and other contingent expenses.

Separate  
Society may  
be formed in  
a County, and  
how.

XI. Whenever a Memorial shall be presented to the Board of Agriculture signed by at least twelve persons residing in a part or section of any county which shall be the most Easterly, Northerly, Westerly or Southerly part or section thereof, representing that it is inconvenient on account of distance for the farmers of their section to attend the Exhibitions of the County Society, and that a sufficient number of persons are willing to subscribe the amount necessary to form an Agricultural Society under the provisions of this Act, it shall be the duty of the said Board, to examine such request and if the Board be of opinion that another Society may be advantageously organized in the said County, it may authorize the same to be organized accordingly, and shall prescribe the limits or section of the County within which its operations shall be confined, and the first County Society shall confine its operations to the other or remaining section of the County. Thirty persons shall be sufficient to form a separate Society and apply to the Minister of Agriculture for confirmation as such.

Name of sepa-  
rate Society ;  
its rights, &c.

XII. The Society so organized shall be known as the County of (*insert name of County*) Society Number Two, (Three, or Four, as the case may be,) and the Declaration or Instrument of organization shall be the same as is hereby required for County Societies, except that the prescribed limits of its operations shall be specified therein, and every such additional County Society shall be entitled to a share of the Public Grant, in the ratio of its relative population to that of the rest of the County, and shall have all the powers of a County Society, and shall be subject to all the provisions of this Act relating to County Societies.

Society to be  
Corporations.  
Powers.

XIII. The several Societies which may be organized according to the provisions of this Act, shall be and become Bodies Politic and Corporate, with power to acquire and hold Land as a site for Fairs and Exhibitions or for a Model or School Farm, and to sell, lease or otherwise dispose of the same : Provided that not more than one hundred acres shall be so held at any one time.

Proviso.

On certain  
certificates, an  
allowance out  
of the Public  
moneys may  
be paid to each  
Society.

XIV. When the Vice-President and Secretary of the Board of Agriculture shall certify to the Minister of Agriculture that any Society has sent to the said Board Reports and Statements as required by this Act, for the year then last previous, and shall also certify that the Treasurer or other Officer of the said Society has transmitted to the said Board an affidavit, which may be in the form of Schedule B of this Act, and may be sworn to before any Justice of the Peace, who is hereby authorized to administer the same, stating the number of Members then



then belonging to the said Society, whose subscriptions for the then current year have been paid up and are in the hands of the Treasurer, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such Society, for a sum to be taken out of any unappropriated moneys in the hands of the Receiver General, equal to three times the amount appearing by the said affidavit to be in the hands of the Treasurer ; Proviso. Provided, that no Grant shall be made unless ten pounds be first subscribed and paid to the Treasurer ; And provided, that the whole amount granted to any County Society or to the Societies of any County, if more than one be organized therein, shall not in any year be more than the proportion they are entitled to, having reference to their population ; Proviso. And provided, that for the first year, after the formation of any Society, the Report and Statement, mentioned in this and in the sixth section, shall not be required. Proviso.

XV. The Board of Agriculture shall receive from Government, and pay over to the Societies, the public money to which they are respectively entitled, and if two or more Societies be organized in any County and they together raise a sum exceeding twenty Pounds, the Board shall divide the County Grant between them in proportion to the relative population in each, and it shall be lawful for the said Board to retain for the use of the Agricultural Association one tenth part of all such Grants. Board of Agriculture to receive the grant and pay it over to Society, &c.

XVI. Any Treasurer or other Officer of a Society who shall make affidavit that a subscription, or any sum of money, has been paid to him for the Society when it has not been so paid, or who shall return any such subscription, shall be held to have committed perjury, and shall be liable to all the penalties which the Law may inflict for that offence. False statement by Treasurer to be perjury.

### SCHEDULE A.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of the Act of the Legislature, (*here state the title and date of this Act,*) to be called the County of (*name of County*) Agricultural Society, (*or, if there be a Society already organized under this Act in the said County, add the words, number two or three, as the case may be, and state the part or section of the County to which its operations are intended to be confined.*)

And we hereby severally agree to pay to the Treasurer, yearly, while we continue Members of the Society, the sum set opposite our respective names, and we agree to give written notice to the Secretary whenever we may wish to withdraw from

from the Society, and we further agree to conform to the Rules and By-Laws of the said Society.

NAMES.	£	s.	d.

### SCHEDULE B.

County of

to wit:

I, A. B., of the County of \_\_\_\_\_ Treasurer (or other  
Officer) of the County of \_\_\_\_\_ Agricultural Society (number  
Two or Three as the case may be) make oath and say, that  
there are thirty (or as the case may be) Members belonging to  
the said Society who have paid their subscriptions for the pre-  
sent year, and that there is now in my hands the sum of  
Pounds, being the produce of such subscriptions, ready to be  
disposed of according to Law.

Sworn to before me, this  
A. D. 185 .

A. B.  
day of

C. D.  
Justice of the Peace.

### C A P . X I X .

An Act to repeal the Acts therein mentioned, and to  
improve the Law of Evidence in Upper Canada.

[10th November, 1852.]

Preamble.

**W**HEREAS the inquiry after truth in Courts of Justice is  
often obstructed by incapacities created by Laws  
and it is desirable that full information as to the facts in  
issue, both in Criminal and in Civil cases, should be laid  
before the persons who are appointed to decide upon them,  
and that such persons should exercise their judgment on the  
credit of the witnesses adduced and on the truth of their testi-  
mony : Be it therefore enacted by the Queen's Most Ex-  
cellent Majesty, by and with the advice and consent of the  
Legislative Council and of the Legislative Assembly of the  
Province of Canada, constituted and assembled by virtue of  
and under the authority of an Act passed in the Parliament  
of the United Kingdom of Great Britain and Ireland, and  
intituled, *An Act to re-unite the Provinces of Upper and  
Lower*

*Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That no person offered as a witness shall hereafter be excluded by reason of incapacity from Crime or interest, from giving evidence, either in person or by deposition, according to the practice of the Court, on the trial of any Issue joined, or of any Matter or Question, or on any Inquiry arising in any Suit, Action or Proceeding, Civil or Criminal, in any Court, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or Person having by Law or by consent of parties authority to hear, receive and examine evidence, but that every person so offered, may and shall be admitted and compellable to give Evidence on Oath, or solemn affirmation in those cases wherein affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question or in the event of the trial of any Issue, Matter, Question or Inquiry, or of the Suit, Action or Proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence : Provided that this Act shall not render competent or authorize or permit any party to any suit or proceeding, individually named in the Record, or any Plaintiff, Lessor of the Plaintiff or Tenant of premises sought to be recovered in Ejectment, or the Landlord or other person in whose right any defendant in *replevin* may make cognizance, or any person in whose immediate or individual behalf any Action may be brought or defended either wholly or in part, or the husband or wife of such persons respectively, to be called as a witness on behalf of such party, but such party may in any Civil proceeding be called and examined as a witness in any suit or action at the instance of the opposite party : Provided always, that the wife of the party to any suit or proceeding named in the Record, shall not be liable to be examined as a witness by or at the instance of the opposite party.

Persons offered as witnesses not to be excluded for certain causes.

Proviso : parties to suits not to be witnesses : unless called as such by the opposite party.

II. And be it enacted, That whenever any party in such proceeding shall desire to call the opposite party as a witness, he shall either subpœna such party or give to him or his Attorney at least eight days' notice of the intention to examine him as a witness in the cause, and if such party shall not attend on such notice or Subpœna, such non-attendance shall be taken as an admission *pro confesso* against him in any such Suit or Action, unless otherwise ordered by the Court or Judge, in which or before whom such examination is pending, and a general finding or Judgment may be had against such party thereon, or the Plaintiff may be non-suit or the proceedings in such Action or such Suit, may be postponed by such Court or Judge, on such terms as such Court or Judge shall see fit to impose.

A party to any civil suit may be summoned as a witness by the opposite party : and how : Penalty on such party not attending.

III. And be it enacted, That whenever a party to any such suit or action is resident out of Upper Canada, it shall be lawful for the

Commission when the par-



ty to be examined re-sides out of Upper Canada: penalty if such party refuse to attend.

Proviso.

the Court in which such suit or action is brought, or any Judge in Chambers, at the instance of the opposite party, to issue a Commission for the examination of such party, in the same manner as a Commission may be issued from any of the Superior Courts for the Examination of Witnesses; and if such party shall refuse to attend before such Commissioners, such refusal, proved by affidavit or otherwise, to the satisfaction of a Judge of the Court in which the suit is had, shall authorize a verdict or judgment to pass against such party, or he shall become non-suit: Provided that no such Commission shall be issued unless the party requiring such Commission shall state under oath, by affidavit, the facts intended to be proved before such Commission, and then the said Judge after being satisfied that such Commission is applied for in good faith, and not for purposes of delay, may issue such Commission.

Party charged with a criminal offence, not to give evidence for or against himself, &c.

IV. And be it enacted, That nothing herein contained shall render any person, who, in any proceeding, is charged with the Commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall, in any such proceeding, render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, or shall, in any civil proceeding, render any person compellable to answer any question tending to criminate himself or herself, or to subject him or her to any prosecution for any penalty.

Probate of Will of a person dying out of U. C. but in Her Majesty's possessions, may be received in evidence.

Proviso: notice to be given.

Proviso: if the Judge see cause to doubt sufficiency of execution.

V. And be it enacted, That whenever any person has died or shall hereafter die in any of Her Majesty's possessions out of Upper Canada, having made a will sufficient to pass real estate in Upper Canada, and whereby any such estate shall be devised, charged or affected, and such Will shall have been duly proved in any Court having the proof and issuing probate of wills in any of such possessions, and shall remain filed in such Court, the production of the Probate of such Will or a certificate of the Judge, Registrar or Clerk of such Court, that the original is filed and remains in such Court, and purports to have been executed before two witnesses, shall be sufficient *prima facie* evidence in any Court of Law or Equity in Upper Canada, in any proceeding concerning such Real Estate, of such Will and the contents thereof, and of the same having been executed so as to pass Real Estate, without the production of the original Will: Provided always, that notice of the intention to use such Probate or Certificate in the place of the original Will, shall be given to the opposite party in any such proceeding one month before the same shall be so used: And provided also, that such Probate or Certificate shall not be used if, upon cause shewn before any such Court of Law or Equity, or any Judge thereof, such Court or Judge shall find any reason to doubt

doubt the sufficiency of the execution of such Will to pass such Real Estate as aforesaid, and shall make a rule or order disallowing the production of such Probate.

VI. And be it enacted, That the production of the certificate in the next preceding section mentioned, shall be sufficient *prima facie* evidence of the facts therein stated, and of the authority of the Judge, Registrar or Clerk, without any proof of his appointment, authority or signature. Certificate to be *prima facie* evidence of facts therein stated.

VII. And be it enacted, That whenever in any suit or action pending or hereafter to be brought, in either of Her Majesty's Superior Courts of Law or Equity in Upper Canada, any party is desirous of proving the Execution of the Will of any person, who at the time it shall be necessary to give such proof, may be dead, the production of the Probate of such Will or of Letters of Administration with the Will annexed, shall be received and taken as *prima facie* evidence of the due execution of such Will and of the contents thereof, in the same manner as if the original Will had been produced, and the execution thereof proven by the subscribing witnesses thereto; subject, nevertheless, to the provisos hereinbefore in the fifth section of this Act contained, as to notice to the opposite party of the intention to use such Probate or Letters in place of the original Will, and to any order that may be made by the Judge or Court disallowing the production of the same as therein mentioned. Probate of Will receivable in evidence.

VIII. And be it enacted, That whenever any action or other legal proceeding shall henceforth be pending in any of the Superior Courts, or in any County Court in Upper Canada, such Court and each of the Judges thereof, in vacation, may respectively, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making the application, to inspect all documents in the custody or under the control of such opposite party relating to such action or other legal proceeding, and if necessary, to take examined copies of the same, in all cases in which previous to the passing of this Act a discovery might have been obtained by filing a Bill, or by any other proceeding in a Court of Equity, at the instance of the party so making application as aforesaid to the said Court or Judge: Provided also that such application may be made to and granted by a Judge of a County Court in suits depending in the said Superior Courts, in the same manner and under such circumstances as is provided for similar applications in the said Courts, by the thirty-fifth section of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to make further provision for the administration of Justice by the establishment of an additional Superior Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes.* Judge may compel a party to allow opposite party to inspect documents, &c. Proviso. Act 12 V. c. 63.



Copies of books or documents to be evidence in certain cases.

Officer having charge thereof, to give certified copies.

Punishment of Officers giving false certificates.

Punishment of persons forging documents &c., or using them knowing them to be forged.

Document may be impounded on request of party against whom it may have been used.

When offenders may be tried.

IX. And be it enacted, That whenever any book or other document is of so public a nature as to be admissible in evidence on its mere production from the proper custody, and no Statute exists which renders its contents provable by means of a copy, any copy thereof or extract therefrom shall be admissible in evidence in any Court of Justice, or before any person now or hereafter having by law or by consent of parties, authority to hear, receive and examine evidence, provided it be proven to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the Officer to whose custody the original is entrusted, and which Officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding six pence for every folio of one hundred words.

X. And be it enacted, That if any Officer authorized or required by this Act, or by any law or usage now in force in Upper Canada, to furnish any certified copies or extracts, shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable upon conviction to imprisonment for any term not exceeding Eighteen months.

XI. And be it enacted, That if any person shall forge any seal, stamp or signature of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to imprisonment in the Provincial Penitentiary for any term not exceeding ten years, or to imprisonment in any Gaol or House of Correction with hard labour, for any term not exceeding one year or less than two months. And whenever any such document shall have been admitted in evidence by virtue of this Act, the Court or the person who shall have admitted the same, may, at the request of any party against whom the same is admitted in evidence, direct that the same shall be impounded and be kept in the custody of some Officer of the Court or other proper person, for such period and subject to such conditions as to the said Court or person shall seem meet; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted and tried, and if convicted, sentenced, and his offence may be laid and charged to have been committed in the County or place in which he shall be apprehended or be in custody; and every accessory before or after the fact to any such offence, may be dealt with, indicted and tried, and if convicted, sentenced, and his offence laid to have been committed in any County or place in which the principal offender may be tried.

XII.



XII. And be it enacted, That whenever in any legal proceedings whatever, legal proceedings may be set out, it shall not be necessary to specify that any particular person or persons who acted as Jurors had made affirmation instead of oath, but it may be stated that they served as Jurymen, in the same manner as if no Act had passed for enabling persons to serve as Jurymen without oath.

Certain allegation not necessary in setting out legal proceedings.

XIII. And be it enacted, That the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to improve the Law of Evidence in Upper Canada*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, An Act to improve the Law of Evidence in Upper Canada*, shall be and are hereby repealed : Provided always, that all things lawfully done under the said Acts or either of them, shall remain as valid and effectual to all intents and purposes whatsoever as if the said Acts respectively were not repealed, and the said Acts shall be held and construed to extend to all actions commenced between the thirtieth day of August, in the year of our Lord one thousand eight hundred and fifty-one, and the passing hereof.

Act 12 V. c. 70, and

14 & 15 V. c. 66 repealed.

Proviso.

XIV. And be it enacted, That this Act shall apply only to Upper Canada, except in so far only as herein otherwise expressly provided.

Extent of Act.

## C A P . X X .

### An Act to remove doubts as to the powers of the Junior Judges of County Courts in Upper Canada.

[10th November, 1852.]

**W**HEREAS from the increase of the population and business in many of the Counties in Upper Canada it hath become or may hereafter become necessary to appoint more than one Judge of the County Court in such Counties respectively, and doubts have arisen as to the powers of the Junior Judges of such County Courts, which doubts it is expedient to remove : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That whenever more than one Judge of the County Court shall be appointed for any County in Upper Canada, under the authority of the Act of the Parliament

Preamble.

Junior Judge of a County Court appointed

ed under 8 V.  
c. 13. to have  
power to hold  
Division  
Courts.

Parliament of this Province passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend, consolidate and reduce into one Act the several Laws now in force establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada* or any Act or Acts amending the same, the Judge of such Court, whose commission shall be of the oldest date, shall be, known as the Judge of the County Court of such County, and any other Judge of the same Court shall be known as the Junior Judge thereof, and that the Junior Judge of any such Court in Upper Canada shall have full power and authority to hold and preside over all or any of the Division Courts in the County for which he shall have been appointed such Judge, and shall have, as regards any such Division Courts, the same duties, powers and authorities as the Judge of the same County Court, and generally that any Junior Judge of any County Court shall have, discharge, use and exercise, as regards any such Division Courts or the business thereof, the same duties, powers and authorities as are now or hereafter may by law be imposed upon or given to any Judge of a County or Division Court in Upper Canada: Provided always, and be it enacted, That nothing herein contained shall prevent or excuse the Judge of the County Court from presiding at any of the Division Courts within his County, when the public interests require it, although a Junior Judge may have been appointed for such County.

Proviso.

In case of  
illness &c., of  
the Judge the  
Junior Judge  
may act for  
him.

II. And be it enacted, That in case of the illness or unavoidable absence of the Judge of any County Court in Upper Canada, it shall be the duty of the Junior Judge of such Court to hold the County Court, with the same powers as the Judge of such Court, and he shall and may, during such illness or absence, have, use and exercise all other the powers vested in, and do all other acts and things which are by law required of or allowed to be done by the Judge of a County Court in Upper Canada within his County: but such Junior Judge shall not preside as Chairman of the Quarter Sessions of the Peace for the County for which he is appointed such Junior Judge.

Interpreta-  
tion.

III. And be it enacted, That the word "County" in this Act shall include any Union of Counties for judicial purposes.

## C A P . X X I .

An Act to supply an omission in Schedule B to the Upper Canada Municipal Corporations Law Amendment Act of 1850.

[10th November, 1852.]

**W**HEREAS in the Upper Canada Municipal Corporations Law Amendment Act of 1850, an error was accidentally committed in leaving out of Schedule B the division of the Town of Picton into Wards: Therefore, be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Schedule B, annexed to the Act first above cited, be amended, by inserting, immediately after the description of the boundaries of the Town of Picton, the following words: Preamble.  
  
Schedule B.  
amended, division of Picton into wards.

“The said Town to be divided into three Wards to be called respectively, Hallowell Ward, Brock Ward and Tecumseth Ward, and to comprise respectively the following portions of the said Town, that is to say:

“The said Hallowell Ward to comprise all that part of the Town which lies west of Bowery Street.

“The said Brock Ward to comprise all that part of the Town which lies east of Bowery Street and north of the Bay.

“And the said Tecumseth Ward to comprise all that part of the Town which lies on the South side of the Bay.”

II. And be it enacted, That notwithstanding the omission in the said Act of the description of the division of the said Town of Picton into Wards, every act and thing done by the Mayor and Town Council of the said Town shall be as valid as if the above mentioned description of the division of the said Town into Wards had been inserted in the said Schedule B at the time when the said Act was passed, and the said Act shall be construed and have effect to all intents and purposes as if the said description had been so inserted as aforesaid. Confirmation of acts done by the Corporation.



## CAP. XXII.

## An Act to establish a Consolidated Municipal Loan Fund for Upper Canada.

[10th November, 1852.]

Preamble.

**W**HEREAS it would greatly facilitate the borrowing, upon advantageous terms, of such sums as may be required by any County, City, Town, Township or Village Municipality in Upper Canada, for effecting or aiding in effecting important Works calculated to benefit such County, City, Town, Township or Village, that such sums should be raised by Debentures issued upon the credit of a Consolidated Municipal Loan Fund under the management of the Provincial Government, instead of being raised upon the separate credit of each individual Municipality : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That there shall be a Consolidated Municipal Loan Fund of Upper Canada, to consist of all monies which under this Act or any other Act shall be directed to form part of the said Fund ; and such Fund shall be managed by the Receiver General, under the direction of the Governor of this Province in Council, and the Books and Accounts thereof shall be kept in his Office.

Consolidated  
Municipal  
Loan Fund  
Established.Municipalities  
may borrow  
money on the  
credit of such  
Fund for cer-  
tain purposes.

II. And be it enacted, That it shall be lawful for the Corporation of any County, City, Incorporated Town, Township or Village, by By-law to authorize any sum of money to be raised on the credit of the said Consolidated Municipal Loan Fund, and to appropriate such sum or so much thereof as may be found requisite, to defray the expense of building or improving any Gaol or Court House for the use of such Municipality, or for acquiring, making, constructing or completing, or assisting in the making, construction or completion of any Rail-road, Canal or Harbour, or for the improvement of any navigable river, within or without the Municipality, but the acquisition, making or construction whereof will benefit the inhabitants of such County, City, Town, Township or Village, and by such By-law to declare the purposes to which the sum so to be raised shall be applied, and to make such other provisions as may be requisite for ensuring the due application of such money, and the attainment of the objects contemplated by such By-law ; and that it shall be lawful for the Corporation of any City or County by By-law to authorize any sum of money

money to be raised on the credit of the Consolidated Municipal Loan Fund, and to appropriate such sum or so much thereof as may be found necessary, to defray the cost of making or improving any Bridge, Macadamized, Gravel, or Planked Road, within or without the Municipality, but the making or improving whereof will benefit the inhabitants of such County or City, and by such By-law to declare the purposes to which the sum so to be raised shall be applied, and to make such other provisions as may be requisite for ensuring the due application of such money, and the attainment of the objects contemplated by such By-law.

1. By any such By-law it may be provided that the assistance of the Municipality shall be granted towards making, constructing, or completing any such Rail-road, Bridge, Macadamized, Gravel or Planked Road, Canal or Harbour, or towards the improvement of any navigable river, either by subscribing on behalf of the Municipality for Stock in any Company incorporated for making, constructing or completing the same, or by loaning money to such Company, or to any Board of Commissioners incorporated for any of the above purposes, in which case the security to be taken from the Company or Board of Commissioners, and the other terms of the loan shall be mentioned in the By-law.

How a Municipality may assist in any undertaking.

2. The By-law shall recite that the loan is to be raised under the provisions of this Act, and shall express the term for which the loan is required, which shall not in any case exceed thirty years, nor be less than five years.

What provisions the By-law must contain.

3. If the By-law be passed by a County Council, the principal and interest of the loan shall be payable by all the Townships, Towns and Villages in the County, and the County Treasurer shall in each year apportion the amount to be paid by each, according to the amount of property returned upon the Assessment Rolls of such Townships, Towns and Villages respectively, for the financial year next preceding that for which the apportionment is to be made.

Further provisions required in By-law.

4. Such By-law, or every material provision thereof, shall be published for the information of the Rate-payers, for at least one month before the final passing thereof, in some newspaper published weekly or oftener, within the territorial jurisdiction of the Municipality, or if there be no such newspaper published within such jurisdiction, then in some newspaper published in the place nearest to such jurisdiction, and also by posting the same up in at least four public places in the Municipality, (and if it be a By-law of a County Council then in each Municipality in such County) with a notice, signed by the Clerk of the Municipality in the Council of which the By-law originated, signifying that it is a true copy of a By-law which will be taken into consideration by the Council of the Municipality

To be published before passing.



Municipality after the expiration of one month from the first publication thereof in such newspaper, (the date of which first publication shall be mentioned in such notice,) and that on some day and at some hour and place, (or if the Meeting be for a County By-law, places,) named in the notice, and which shall have been previously fixed by the said Council, such day not being less than three weeks, nor more than four weeks after such first publication, a General Meeting of the qualified Municipal Electors of the Municipality, (or of the several Municipalities within the County,) will be held for the purpose of considering such By-law, and approving or disapproving the same.

General meet-  
ings of elec-  
tors.

Proceedings  
at such meet-  
ing.

5. On the day and at the hour and place (or places) appointed by such notice as aforesaid, the qualified Municipal Electors, or such of them as choose to attend the Meeting, shall take the said By-law into consideration, and shall approve or disapprove the same; and at such Meeting the Mayor or Reeve of the Municipality in which it is held shall preside, or in his absence some other Member of the Council of such Municipality to be chosen by the Meeting, and the Clerk of such Municipality shall act as Secretary; and it shall be the duty of the said Clerk to have with him the Assessment Rolls of the Municipality then in force, or certified copies thereof: The only question to be determined at such Meeting, shall be whether the majority of the Municipal Electors present thereat, do or do not approve of the said By-law; and when the question has been put, the person presiding shall declare whether in his opinion the majority is for the approval or disapproval of the By-law, and his decision if not forthwith appealed from, shall be final, and it shall forthwith be communicated to the Council of the Municipality which originated the By-law, by a certificate under the hand of the Secretary of the Meeting.

A Poll may be  
demanded.

6. Any six duly qualified Municipal Electors present at any such Meeting may appeal from the decision of the person presiding, and demand a Poll, and such Poll shall be granted by the person presiding at the Meeting, and shall be immediately taken by him, the Clerk of the Municipality acting as Poll Clerk: each Elector shall then present himself in turn to the person presiding, and shall give his vote "yea" or "nay,"—the word "yea" meaning that he approves the proposed By-law, and the word "nay" that he disapproves the same:—but no person's vote shall be received unless he appears by the Assessment Rolls to be a duly qualified Municipal Elector.

Adjournment  
of Poll.

7. The person presiding may, if necessary, adjourn the Poll at sunset on the day of meeting, until ten o'clock in the forenoon of the following day, not being a Sunday or statutory holiday, when the Poll shall be continued as on the first day,  
but



but shall be closed at sunset of such second day ;—it shall be closed at any time on the first or second day if one half hour shall elapse without a vote being offered.

8. At the close of the Poll the person presiding shall count the “yeas” and the “nays,” and ascertain and certify for the information of the Council which originated the By-Law, whether the majority is for the approval or the disapproval of the said By-law ; and such certificate shall be countersigned by the Clerk of the Municipality acting as Secretary of the Meeting and kept by him, with the Poll List, among the records of his office, and a duplicate thereof transmitted to the County Clerk if the By-Law originated with a County Council.

Close of the Poll.

9. If the By-law to be considered be a By-law of a County Council, the meeting to consider the same, or the poll of the electors, shall not be held for the whole County at one place, but such meeting or poll shall be held in each of the several Municipalities of such County respectively ; and the question whether the By-law shall be approved or disapproved, either by the majority of the total number of electors voting “yea” or “nay,” in the whole County, or by the majority of votes of Municipalities approving or disapproving of the same, giving to each Municipality one or two votes, according as it is by Law authorized to return a Reeve or a Reeve and Deputy Reeve to the County Council of such County, in which case each Municipality shall be held to have voted for the approval of the By-Law, if the Majority of Electors voting at the Meeting held therein shall have voted “yea,” and to have voted for the disapproval thereof if the Majority of such Electors shall have voted “nay ;” and each such County Council shall make a By-law to provide which of the two modes of decision shall be adopted, and shall also thereby declare the manner in which the decision of each Municipality, or of the electors thereof, shall be made known to the County Clerk.

By-law of a County Council.

10. If such By-law be disapproved by the majority of the Electors (or of the Municipalities) as aforesaid, the Council shall not proceed to pass the same, but if it be approved by such majority, and afterwards passed by the Council, then such By-law, and all the provisions thereof shall be subject to the approval of the Governor in Council, and shall have no force until such approval shall have been given ; but shall not be subject to the special provisions made by the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, or by any Act amending the same, concerning By-laws creating debts, or to any provisions or formalities, except those prescribed by the said Acts with regard to By-laws generally, and those prescribed by this Act ; and every such By-law, when submitted to the Governor in Council for his approval, shall contain a recital that it has been approved by a majority of the duly qualified Municipal Electors (or of

If disapproved :

If approved :  
Governor General to approve.

the Municipalities) of (or in) the Municipality, at a meeting (or meetings) called and held in conformity to the requirements of this Act, and such recital shall for all the purposes of this Act be conclusive proof of the facts therein stated, nor shall any such By-law, or any thing done under it, be invalidated by any error of fact or incorrectness in such recital; but this provision shall not affect the responsibility of those who may have wilfully concurred in any mis-statement of fact in such recital.

Information to be furnished to Governor.

11. Before such By-law shall be approved by the Governor in Council, proof shall be made to his satisfaction, that the By-law was published and notice given as hereinbefore required, and he shall be furnished with a statement certified under oath by the Treasurer of the Municipality, shewing the amount of taxable property therein according to the then last Assessment Roll or Rolls, and a true account of all the debts and liabilities of the Municipality and of its expenditure for every purpose, for the then last year.

Governor in Council may demand further information from Municipality.

III. And be it enacted, That it shall be lawful for the Governor in Council to require from the Municipality by the Council whereof any such By-law shall have been passed, all such documents and information as he may think necessary for ascertaining the expediency or in expediency of such By-law, or any of the provisions thereof, and the same shall be furnished accordingly by the proper Officers of such Municipality, and no such By-law shall be repealed, amended or altered, otherwise than by another By-law approved in like manner by the Governor in Council, and to which all the provisions of this Act shall apply, as to the original By-law.

Receiver General to issue Debentures, &c.

1. So soon as the By-law shall have been approved as aforesaid, it shall be lawful for the Receiver General to raise by loan, by Debentures issued by him upon the credit of the said Consolidated Municipal Loan Fund, a sum of money not exceeding that authorized by such By-law, and to pay over such sum to the Treasurer of the Municipality, or to deliver to him, or to his order, Debentures secured upon the said Fund to a like amount, or to pay part of such sum in money to the Treasurer, and to deliver to him Debentures for part; and in any case, he shall enter the amount for which Debentures are issued and delivered, to the Debit of the Municipality as so much due by it to the said Fund:

Where payable and form of.

2. The principal and interest of the Debentures so issued may be made payable at any place within or without this Province in currency or in sterling money or in the currency of the place where they shall be made payable; and such Debentures shall be in such form as the Governor in Council shall direct, subject to the following provisions:



3. They shall express upon their face that the Provincial Government undertakes to pay the principal sum mentioned in them and the interest thereon, out of the monies forming part of the said Consolidated Municipal Loan Fund, and out of no other monies or funds whatsoever: How worded.

4. The principal shall be made payable at the time provided by the By-law, and the Debentures shall contain no provisions inconsistent with the By-law by which the loan is authorized, and they shall contain all such provisions as may be necessary to carry out the intentions of such By-law: To conform with By-laws.

5. The rate of interest upon them shall in no case exceed six per centum per annum, and such interest shall be made payable half yearly on such days in each year as shall be therein appointed for the purpose; but if any Debenture be issued within the three months next before any such day, then the first interest thereon may be made payable on that one of the half yearly days which shall come next after the expiration of three months from the date of its issue: Rate of interest, and terms at which payable.

6. They shall be for even sums of money, and no Debenture shall be for a less sum than twenty-five pounds, or the equivalent thereof. To be for even sums.

7. They shall contain such conditions as the Governor shall from time to time, by order in Council, direct to be inserted therein, as to the right of the Receiver General to call such Debentures or any of them in for payment before the time therein absolutely appointed for the payment of the principal,—the manner in which they shall be so called in,—and in which it shall be determined which of such Debentures shall be so called in at any time, if they be not all called in at the same time; and no interest shall be payable upon any Debenture which shall have been called in according to such conditions as aforesaid, for any period after the day on which it shall have been required to be presented for payment, which day shall always be one of those on which interest is payable on such Debentures; and this forfeiture of interest in the case last mentioned shall be expressed on the face of the Debenture. To contain provisions as to calling them in.

8. It shall not be necessary that any Debenture should show upon what By-law or with reference to what Municipality it was issued, but each Debenture shall be distinguished by a number by which it shall be known and referred to. Debentures to be numbered.

9. The Governor in Council may direct that any such Debentures may on the application of the holders thereof be exchanged for another or others for the same amount of principal, payable absolutely at the same or any later date, and bearing the same or any less rate of interest. Exchanging Debentures.



Debentures to be as Government Debentures.

10. The said Debentures shall be held to be Debentures issued by the Government of this Province through the Receiver General thereof, within the meaning of the Act to establish freedom of Banking, or any Act amending the same, and of the Act to exempt the several chartered Banks from the tax on their circulation on certain conditions, and shall be available accordingly for all the purposes of the said Acts or either of them, and any monies which are by law directed to be invested by or under the directions of the Governor in Council, may be invested in such Debentures.

Advances to the said Fund from the Upper Canada Building Fund.

IV. And be it enacted, That it shall be lawful for the Governor in Council from time to time, and when it shall be necessary to enable the said Consolidated Municipal Loan Fund, to meet the charges upon it, to direct the Receiver General to advance to the said Fund, out of any unappropriated monies forming part of the Fund arising out of monies levied or to be levied under the authority of the Act passed in the session held in the 13th and 14th years of Her Majesty's Reign, and intituled, *An Act to provide funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, and known as the Upper Canada Building Fund, such sum as may be deemed expedient, and in like manner to direct the repayment of such sum from the said Consolidated Municipal Loan Fund to the said Upper Canada Building Fund.

Account to be kept by Receiver General with the Municipality.

V. And be it enacted, That the Receiver General and the Treasurer of the Municipality, shall respectively keep a correct account between the Municipality and the said Consolidated Municipal Loan Fund, debiting the Municipality with the principal of each Debenture issued for its purposes, and with the interest thereon as the same becomes due, and any other expenses or liabilities incurred by reason of such Debentures, and crediting it by the sums paid over to the Receiver General to meet such principal and interest, by the proportionate share of the Municipality in the proceeds of any monies forming part of the Sinking Fund hereafter mentioned and invested by the Receiver General, and by any other sums received by him on account of the Municipality; and it shall be the duty of the Receiver General, three months before each day in each year in which interest or principal will be payable on the Debentures issued for the purposes of any Municipality, to notify to the Treasurer thereof, by letter sent by Post, the sum which he will, under the provisions of this Act, be required to pay over to the Receiver General by reason of such Debentures, which sum it shall be the duty of such Treasurer to pay over accordingly; but the failure on the part of the Receiver General to give such notice shall not affect the obligation of the Treasurer or of the Municipality, to pay over such sum at the time when it ought to be so paid over.

1. The sum to be so paid at any time by the Treasurer for his Municipality shall be at the rate of eight per centum per annum on the amount of the Debentures issued for the Loan in respect of which the payment is made, for the period of which the payment shall relate, and such further sum as may be payable on the day in question for or on account of the principal of such Debentures, less such sum applicable to the payment of such principal as may then stand at the credit of the Municipality in account with the said Fund : and such payments shall continue to be made until all such Debentures shall be paid off in principal and interest, or until there be a sufficient sum at the credit of the Municipality to pay off the same.

Payments to be at the Rate of 8 per cent. per annum on the Loan, &c.

2. If the Treasurer shall have any of such Debentures in his hands as the property of his Municipality, then the proper Coupons for interest on such Debentures may be taken from him by the Receiver General as money.

Coupons to be taken as money.

3. The difference between the said rate of eight per cent and the actual interest payable on the Debentures, and all other monies which shall come into the hands of the Receiver General as part of the said Fund, and shall not be required to pay the interest of Debentures chargeable upon it, shall form a Sinking Fund, and shall be from time to time invested by the Receiver General under the direction of the Governor in Council, and the amount thereof shall, with the proceeds of such investment (which shall also form part of the said Sinking Fund) be applied under such direction as aforesaid, to the redemption of Debentures issued on the credit of the said Municipal Loan Fund ; and each Municipality shall be credited with a share of the said Sinking Fund equal to the amount of the sums it shall have paid into the same, and with a share of the proceeds of any part of the said Fund invested by the Receiver General proportionate to the sums it shall have paid into the same and the time during which such sums shall have remained in the said Sinking Fund, and such share shall be accordingly applied to the redemption of the Debentures issued for the purposes of such Municipality : and each Municipality shall be debited with all sums paid out of the said Sinking Fund on its account.

Sinking Fund constituted : of what it shall consist.

Share of each Municipality in Sinking Fund.

4. It shall be lawful for the Receiver General to pay the interest on any Debenture out of the said Sinking Fund, if in any case the other monies at his disposal for the purpose shall be insufficient, repaying the amount so paid with interest, to the said Sinking Fund, out of the monies which would otherwise be applicable to the payment of such interest so soon as the same shall come into his hands.

Certain payments may be made out of it

5. It shall be lawful for the Receiver General from time to time to sell, pledge or otherwise dispose of any securities which

Securities forming part



of it may be sold.

which any part of the Sinking Fund may have been invested in case it shall be necessary so to do in order to enable him to pay any sum which is hereby made payable out of the said Sinking Fund.

Duty of the Treasurer and Officers of the Municipality after the passing of any such By-law in levying money to meet payments to be made in consequence thereof.

VI. And be it enacted, That whenever a By-law authorizing the raising of money by loan, under this Act, shall have been passed by the Council of any Municipality, and approved by the Governor in Council, the Treasurer of such Municipality shall *ipso facto*, and without requiring any other authority or direction whatever, have full power, and it shall be his duty, before the making out of the ordinary Collectors' Rolls in each year, if the By-law shall then be in force, and if not, then at least three months before the earliest day on which interest can be payable on any Debenture issued under such By-law, to ascertain the highest sum which can be required during the year, to pay the interest (and the principal if any be payable,) on or of Debentures issued or to be issued under such By-law, and to add five per centum thereunto for losses and expenses, and to certify the amount in a notice to the Clerk of the Municipality, or if such Municipality be a County, then to certify to the Clerk of each Township or Incorporated Town or Village therein, the portion payable by the same; and it shall be the duty of such Clerk to assess the amount so certified equally upon all the taxable property in his Municipality, and to set down on the ordinary Collectors' Roll for the year, if it shall not have been previously delivered to the Collectors, the amount with which each party or lot is chargeable, under the head of "Loan Rate for (*naming the purpose*)" or "County Loan Rate for (*naming the purpose*)," as the case may be; and if such amount shall be so certified to any such Clerk after the time in any year when the Collectors' Rolls shall have been delivered to the Collectors, then such Clerk shall forthwith make out a special Collectors' Roll for the purpose in the form prescribed for ordinary Collectors' Rolls, so far as such form may be applicable, and shall deliver the same to the Collector: Provided always, that if there be in the hands of the Treasurer at the time of his giving such notice as aforesaid to the Clerk of the Municipality, any monies applicable to the payment of the principal or interest of the Debentures to which such notice refers, then the Treasurer may deduct such sum from that to which the notice refers before adding the five per cent thereto; And provided also, that if the purpose for which the loan is raised be such as to produce profit or to yield returns in money to the Municipality, or if the money be loaned by it so as to produce interest, or if the capital be reimbursable to the Municipality, then it shall be lawful for the Treasurer and the Mayor, or Head of such Municipality to enter upon the Books of the Corporation, a Certificate signed by them in the form of the Schedule A. setting forth that there ought to be paid to the Municipality during the course of the year, such dividends

Proviso.

Proviso.

If the money borrowed be so invested as to produce returns.



dividends or profits (*describing them*) or such interest or sums of money (*mentioning the amount*) or both (*as the case may be*), and that the said Treasurer and Mayor have reason to believe and do believe that the sums which will, from the said sources, come into the hands of the Treasurer during the year, will amount to the sum of (*naming it*) and the Treasurer may then deduct the sum mentioned in such Certificate from that to which the notice refers, before adding the five per cent as aforesaid, or if the sum mentioned in the Certificate be as great or greater than that to which the notice would refer, then no notice shall at that time be given to the Clerk or Clerks of the Municipality or Municipalities concerned.

1. If the nett sum raised by any such rate as last aforesaid be greater than that required to enable the Treasurer to pay the Receiver General, the surplus shall remain in the hands of the Treasurer and be applicable to payments to be made to the Receiver General for the next ensuing year, on account of the same loan ; and if the nett sum raised be insufficient to enable the Treasurer to pay the required sum to the Receiver General, then a new assessment shall be made as hereinafter provided in cases of deficiency.

If any surplus be raised.  
If there be a deficiency.

2. All sums of money coming to the Municipality as the said profits, dividends or returns from any work for which the loan shall have been authorized, or as interest or principal of any sum lent by the Municipality out of such loan, or otherwise howsoever by reason of such loan, shall be paid into the hands of the Treasurer and by him carefully kept apart from all other monies, and paid over from time to time to the Receiver General, to be by him placed to the credit of the Municipality with the said Consolidated Municipal Loan Fund, except in so far as it shall be otherwise especially provided in the By-law authorizing such loan.

All profits from works, &c., to go to the said Fund.

3. If it shall happen that the sum which ought under this Act to be paid over at any time by the Treasurer of any Municipality to the Receiver General, or any part of such sum, shall not be so paid over, and the Treasurer shall not have money in his hands applicable to the same, or if it shall happen that the Treasurer shall foresee that he will not have the means of paying over such sum or part thereof to the Receiver General, at the time when it ought to be so paid over, then in either case it shall be the duty of such Treasurer forthwith to add five per centum to the sum wanting for such purpose, and to certify the same to the Clerk of his Municipality, or if such Municipality be a County, then to certify to the Clerk of each Township or Incorporated Town or Village therein, the amount payable by the same, and it shall be the duty of each Clerk receiving such notice forthwith to make out a Special Collectors'

Proceeding for levying money in case the Treasurer shall not have funds to make his payments to the Receiver General.

Collectors' Roll for the amount so certified to him, and to deliver the same to the Collectors.

Interest to be charged to Municipality in default.

4. If any sum payable as aforesaid at any time by any Treasurer to the Receiver General, be not so paid at such time, interest shall by the Receiver General be charged on such sum for the time it shall remain unpaid, against the Municipality in account with the said Consolidated Municipal Loan Fund, and deducted from the share of such Municipality in the Sinking Fund.

Monies to be collected in the usual manner.

5. The sums entered in any Collectors' Roll by any Clerk of a Municipality shall be collected and levied, and payment thereof secured and enforced in like manner and under the same provisions as other Municipal taxes, but the nett proceeds thereof shall be applied by the Treasurer solely to the purpose for which they are directed to be raised.

Warrant to the Sheriff to levy upon Municipality in default more than three months.

VII. And be it enacted, That if any sum of money which ought under this Act to be paid by the Treasurer of any Municipality to the Receiver General, shall remain unpaid during three months or upwards after it ought to have been so paid, then upon the certificate of the Receiver General that such sum is so due and unpaid, and since what day it has been so, it shall be lawful for the Governor to issue his Warrant to the Sheriff of the County reciting the facts, and commanding him forthwith to levy such sum by rate, with interest from the said day and all costs, and to pay over the said sum and costs to the Receiver General, and the said Sheriff shall obey the said Warrant and levy the sums therein mentioned in like manner and within the same delay as he would levy the same if it had been recovered against the Municipality under a judgment of the proper Court of law, and a Writ of Execution had issued thereupon directed to him and commanding him to levy the same by rate, and shall pay over the nett proceeds to the Receiver General; and the costs allowed to the said Sheriff for executing the said Warrant shall be the same as those to which he would be entitled for executing a Writ of Execution for a like sum.

Further debt not to be contracted without sanction of Governor in Council.

VIII. And be it enacted, That after any Municipality shall have borrowed any money under this Act, it shall not be lawful for such Municipality to contract any further debt without the consent and approval of the Governor in Council, until all debts contracted by it under this Act shall be wholly paid off.

Operation of Act.

IX. And be it enacted, That this Act and all the provisions thereof shall extend and apply to any Loan authorized by any By-law of any Municipality, passed or to be passed before this Act shall come into force, for the purpose of aiding in the construction of any Rail-way for the making of which any Company



Company is now incorporated, or shall be under any Act passed or to be passed during the present Session whether such assistance be given by taking Stock in such Company or by loaning money to it, and also to any Loan authorized by any By-law of any Municipality, passed or to be passed before this Act comes into force, authorizing the raising of any Loan for the purpose of erecting, repairing or improving any County building or buildings: Provided always, that such Loan shall not have been negotiated by the Municipality under such By-law.

X. And be it enacted, That the word "Treasurer," in this Act, shall include the Chamberlain of any City; the word "Mayor" shall include the Warden of any County, and the official title of any Officer shall include any person by whom his duties may be legally performed; and that this Act shall apply only to Municipalities in Upper Canada. Interpretation.

### SCHEDULE A.

#### CERTIFICATE OF TREASURER AND MAYOR, OR HEAD OF A MUNICIPALITY.

Municipality of the *Township* of

We certify to all whom it may concern, That out of the Loan, raised under the By-Law, No. , intituled, "*(Title of By-Law,)*" on the credit of the CONSOLIDATED MUNICIPAL LOAN FUND, there has been invested the sum of in shares of the stock of the *Bytown and Prescott Railroad Company (or as the case may be)*; that this Municipality now holds the said shares; that there ought to be paid dividends thereon during the present year, and that we have reason to believe and do believe that there will be paid into the hands of the Treasurer, as and for such dividends, before the thirty-first day of December now next, the sum of which sum, we think, ought therefore, under the provisions of the Act passed, &c., *(title and date of this Act,)* to be deducted from the sum which ought otherwise now to be raised on the taxable property in this Municipality in order to enable the Treasurer to meet the payments which he is to make to the Receiver General during the present year, on account of the said Loan. Witness our hands this                      day of                      18 .

Signatures,

A. B., Treasurer.  
C. D., Mayor.



## CAP. XXIII.

An Act to make certain provisions with regard to Common Schools in Upper Canada for a limited period.

[10th November, 1852.]

Preamble.

13 and 14 Vic.  
c. 48, cited.

Powers of  
School  
Trustees  
extended.

**W**HEREAS it is expedient to make some further provision for the improvement of Common Schools in Upper Canada, and to modify and extend some of the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Board of School Trustees in each City, Town and Incorporated Village, shall, in addition to the powers with which they are now legally invested, possess and exercise, as far as they shall judge expedient, in regard to each such City, Town and Incorporated Village, all the powers with which the Trustees of each School Section are or may be invested by law in regard to each such School Section.

How Trustees  
shall provide  
for School  
expenses.  
Proviso: as to  
number of  
children.

Proviso: for  
Register and  
Visitors' book,  
and Education  
Periodical.

Proviso: Union  
of School to  
Grammar  
School.

Proviso: Trustees  
responsible  
for moneys  
forfeited.

Application  
of moneys  
forfeited.

Penalty on  
Trustees  
not forward-  
ing their  
report.

II. And be it enacted, That no rate shall be imposed upon the inhabitants of any School Section according to the whole number of children, or of the number of children of legal school age, residing in such section: Provided, that the Trustees of each School Section shall see that each School under their charge is, at all times, duly provided with a Register and Visitors' Book, in the form prepared according to law: Provided, secondly, that the Trustees of each School Section shall have authority to take such steps as they may judge expedient to unite their School with any public Grammar School, which shall be situated within or adjacent to the limits of their School Section: Provided, thirdly, that the Trustees of each School Section shall be personally responsible for the amount of any School moneys which shall be forfeited and lost to such School Section during the period of their continuance in office, in consequence of their neglect of duty; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the ninth section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight, for the collection and application of the fines imposed by the said section: Provided fourthly, that the Trustees of each School Section, shall, each personally forfeit the sum of one pound five shillings for each and every week that they shall neglect, after the fifteenth of January in each year, to prepare and forward to their local Superintendent of Schools, their School Report, as required by law, for the year ending the thirty-first December

December immediately preceding ; and which sum or sums thus forfeited, shall be sued for by such local Superintendent, and collected and applied in the manner provided by the proviso of this section, immediately preceding : Provided, fifthly, that no agreement between Trustees and a Teacher in any School Section, made between the first of October and the second Wednesday in January, shall be valid or binding on either party after the second Wednesday in January, unless such agreement shall have been signed by the two Trustees of such School Section, whose period of office shall extend to one year beyond the second Wednesday of January, after the signing of such agreement.

How applied.

Agreements between Trustees and Teachers not valid in certain cases.

III. And be it enacted, That the Trustees of each School Section shall have the same authority to assess and collect rates for the purpose of purchasing School Sites and the erection of School Houses, with which they are, or may be invested by law to assess and collect for other School purposes : Provided always, that they shall take no steps for procuring a School Site on which to erect a new School House, or changing the site of a School House established, or that may be hereafter established, without calling a Special Meeting of the Freeholders and Householdors of their Section to consider the matter ; and if a majority of such Freeholders and Householdors present at such Meeting, differ from a majority of the Trustees, as to the site of a School House, the question shall be disposed of in the manner prescribed by the eleventh section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight.

Trustees to assess for School Sites.

Proviso : Meeting to be called.

IV. And be it enacted, That in the event of any person residing in one School Section, sending a child or children to the School of a neighbouring School Section, such child or children shall not be returned as attending any other than the School of the Section in which the parents or guardians of such child or children reside.

Persons sending children to other Schools liable for rate in their School Section.

V. And be it enacted, That any person who has been or may be appointed Local Superintendent of Schools shall continue in office, (unless he resigns, or is removed from office for neglect of duty, improper conduct, or incompetency,) until the first day of April of the year following that of his appointment, and during the pleasure of the Council appointing him : Provided always, that no Local Superintendent shall be a Teacher or Trustee of any Common School during the period of his being in office : Provided, secondly, that no Local Superintendent shall be required (unless he shall judge it expedient, and except with a view to the adjustment of disputes, or unless specially required by the County Municipality,) to make more than two official visits to each School Section under his charge ; one of which visits shall be made some time between the first of April and the first of October, and the other some time between the first of October and the first of April : Provided, thirdly, that the Local Superintendents of adjoining townships shall have authority to determine the sum or sums which shall be payable from the School apportionment and assessment

Local Superintendent to continue in office.

Shall not be a Teacher.

Powers and obligations of Local Superintendents.



assessment of each Township in support of Schools of Union School Sections, consisting of portions of such Townships ; and they shall also determine the manner in which such sum or sums shall be paid : Provided, fourthly, that in the event of one person being Local Superintendent of both of the Townships concerned, he shall act in behalf of such Townships ; and in the event of the Local Superintendents of Townships thus concerned not being able to agree as to the sum or sums to be paid to each such Township, the matter shall be referred to the Warden of the County for final decision : Provided, fifthly, that each Local Superintendent of Schools shall have authority to appoint the time and place of a Special School Section Meeting, at any time and for any lawful purpose, should he deem it expedient to do so ; Provided, sixthly, that each Local Superintendent of Schools shall have authority within twenty days after any meeting for the election of Common School Trustees within the limits of his charge, to receive and investigate any complaint respecting the mode of conducting such Election, and to confirm it, or set it aside, and appoint the time and place of a new Election, as he shall judge right and proper ; Provided, seventhly, that each Local Superintendent shall have authority on due examination, (according to the programme authorized by law for the examination of Teachers,) to give any candidate a certificate of qualification to teach a School within the limits of the charge of such Superintendent, until the next ensuing meeting (and no longer) of the County Board of Public Instruction of which such Local Superintendent is a Member ; but no such certificate of qualification shall be given a second time, or shall be valid if given a second time, to the same person in the same County ; Provided, eighthly, that in the event of a Local Superintendent of Schools resigning his office, the Warden of the County or Union of Counties within which such Superintendent shall have held office, shall have authority, if he shall deem it expedient, to appoint a fit and proper person to the office thus vacated until the next ensuing meeting of the Council of such County or Union of Counties.

How Elections for School Trustees shall take place.

Proviso.

Proviso.

VI. And be it enacted, That in any Village in Upper Canada, which shall become incorporated according to Law, an Election of a Board of School Trustees for such Village shall take place as soon as convenient in the manner provided and authorized for incorporated Villages in the twenty-fifth section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight ; Provided always, that the time of the first Election of such Board of School Trustees, shall be fixed by the Reeve of such Village, or in case of his neglecting to do so for one month, by any two Freeholders in such Village, on giving six days' notice in at least three public places in such Village ; Provided also, that all Elections of School Trustees that have taken place in Villages which have been incorporated since one thousand eight hundred and fifty, shall be and are hereby confirmed, and the acts of Boards of School Trustees so elected in such Villages are hereby made as valid as if such Boards had been elected for Villages incorporated before one thousand eight hundred and fifty, and in all cases the Chairman shall be elected by the Trustees



Trustees from their own body, and shall have a right to vote at all times, and also, a second or casting vote in cases of an equality of votes.

VII. And be it enacted, That in case of the right of any person to vote at an Election of a Trustee or Trustees in any City, Town, or incorporated Village, be objected to, the Returning Officer presiding at such Election shall require the person whose right of voting is thus objected to, to make the following declaration: "I do declare and affirm that I have been rated on the assessment-roll of this City (Town or Village, *as the case may be*) as a Freeholder (or householder, *as the case may be*) and that I have paid a tax in this ward, (or Village, *as the case may be*), within the last twelve months, and that I am legally qualified to vote at this Election." And the person making such declaration shall be permitted to vote; Provided always, that any person who shall, on the complaint of any person, be convicted of wilfully making a false declaration of his right to vote, shall be deemed guilty of misdemeanor, and punishable by fine and imprisonment in the manner provided for similar cases in the seventh section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight.

Voters objected to shall make a declaration.  
Declaration.

False declaration to be a misdemeanor.

VIII. And be it enacted, That such of the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, as are contrary to the provisions of this Act, shall be and are hereby repealed.

Provisions 13 and 14 V. c. 48, contrary to this Act, repealed.

IX. And be it enacted, That the provisions of this Act shall take effect from the passing thereof.

Commencement of Act.

X. And be it enacted, That this Act shall be and continue in force until the first day of April next, and not after.

Duration of Act.

## C A P. X X I V .

An Act to provide for the improvement and enlargement of the Harbour of Montreal and for the deepening of Lake St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes,

[10th November, 1852.]

**W**HEREAS it is expedient to consolidate and amend the Acts in force relating to the improvement of the Harbour of Montreal and of Lake St. Peter, and to authorize the borrowing of a further sum of money in order to carry on the improvements of the said Harbour and Lake and for other purposes: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the*

Preamble.

Certain Acts  
repealed.  
8 Vic. c. 76.

10 and 11 Vic.  
c. 56.

13 and 14 Vic.  
c. 97.

Proviso.

All contracts  
made and De-  
bentures is-  
sued by Com-  
missioners,  
&c., valid.

Proviso.  
Present offi-  
cers con-  
tinued.

Commis-  
sioners con-  
stituted a Cor-  
poration.  
Corporate  
names and  
powers.

the Government of Canada, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act of the Legislature of Canada, passed in the Eighth year of Her Majesty's reign, intituled, *An Act to provide for the improvement and enlargement of the Harbour of Montreal, to authorize the Commissioners to borrow a further sum of money for that purpose, to consolidate the Laws now in force relating to the same and for other purposes therein mentioned*, and the Act of the said Legislature, passed in the Session held in the tenth and eleventh years of Her Majesty's reign, intituled, *An Act to amend a certain Act passed to provide for the improvement and enlargement of the Harbour of Montreal, and for other purposes*, and the Act of the said Legislature, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, intituled, *An Act to amend the Acts for the improvement of the Harbour of Montreal, and provide for the improvement of the Navigation of the River Saint Lawrence within the Port of Montreal*, be and the same are and each of them is hereby repealed; Provided always, that no Act or Ordinance, or part of any Act or Ordinance repealed by any of the above named Acts shall be revived by virtue of this Act.

II. And be it enacted, That notwithstanding the repeal of the above recited Acts, all contracts and undertakings made or entered into by the said Commissioners with any person whatsoever, all Debentures issued for which the Province is liable for the due payment of the interests thereon, and those issued for the deepening of Lake St. Peter for which the Province is not so liable, and all things done and all rights acquired, in virtue of the said Acts, shall be valid, and all penalties incurred shall be recoverable, and all proceedings or matters commenced may be continued as if the Acts so repealed were still in force: Provided always, that the present Commissioners and Officers appointed under and by virtue of any of the above mentioned Acts or of any of the Acts or Ordinances repealed thereby, shall continue and be such Commissioners and Officers until their removal and the appointment of others in their stead as hereinafter provided.

III. And be it enacted, That the said Commissioners and their successors to be appointed as hereinafter provided, shall be a Body Corporate and Politic for the purposes of this Act, under the name of the *Harbour Commissioners of Montreal*, and shall be entitled to such emoluments as the Governor in Council may approve, and shall have power to hold, take and purchase immoveable property for the purposes of this Act, and to build, acquire, hold and possess such Steamboats, Dredgers, Scows and other Vessels as they may deem necessary for the due and efficient discharge of the purposes of this Act, and to procure Registers for the same in their Corporate name and capacity, and to dispose of the said Steamboats and other Vessels as often as they may see fit so to do.



IV. And be it enacted, That the said Harbour of Montreal, which shall be and is hereby declared to be under the control and management of the said Corporation, shall be, for the purposes of this Act, bounded as follows, that is to say : commencing at the mouth of the Little River St. Pierre ; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said river as far back as high water mark and the ground above high water mark reserved for a public road or path, down to the lower extremity of the lower basin of the Lachine Canal ; thence, downwards, following the north-west side of the water course running parallel with and adjoining the revêtement wall in the street or highway running along the whole line of the wharves now known as Commissioners Street, to a point where the said wall joins the Government Works at the Commissariat Store and the Government Wharf ; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said river as far back as high water mark, and any ground above high water mark reserved for a public road or path, as far as Ruisseau Migeon.

Limits of  
Harbour of  
Montreal.

V. And whereas certain powers are now exercised by the Trinity House of Montreal in the said Harbour, which it is desirable for the better regulation and administration of the affairs of the said Harbour, to commit to the said Corporation hereby erected : Be it therefore enacted, That from and after the passing of this Act, so much of the Act of the Legislature of Canada passed in the Session held in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal a certain Act and Ordinance therein mentioned relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof*, as may be inconsistent with the provisions of this Act, or as may give to the Trinity House of Montreal either directly or indirectly the exercise of any authority whatever, or the power to make any By-laws, Rules or Regulations whatever in or relating to the said Harbour, shall be and the same is hereby repealed : Provided always, that all By-laws, Orders, Rules and Regulations made by the said Trinity House, before the passing of this Act, for the regulation and management of the affairs of the said Harbour, in so far as they contain nothing inconsistent with this Act, shall remain in force until repealed or amended, or until others shall be enacted in lieu thereof by the said Corporation hereby erected.

Powers of  
Trinity House  
in the Harbour  
vested in  
Corporation.

12 Vic. c. 117.

Proviso.  
By-Laws, &c.  
of Trinity  
House not  
contrary to  
this Act to  
remain in  
force.

VI. And be it enacted, That the said Corporation shall have power and authority to make By-laws, not repugnant to the Laws of this Province, or to the provisions of this Act, for the following purposes, to wit : the direction, conduct and government of the said Corporation and of its property, real and personal, the good government, improvement and regulation of the said Harbour, preventing injury thereto, and encroachment and incumbrances thereon and the removal of the same :

Corporation  
empowered to  
make By-  
laws, &c.

the anchoring, mooring, riding and fastening of all Vessels resorting to the said Harbour, and the ordering of the same while lying in the stream, or at any wharf or other landing place in the said Harbour; the regulation and control of the use of lights and fires on board of such Vessels when lying at any wharf or other landing place, or in the stream in the said Harbour; the regulation and control of the landing and shipping of Gunpowder within the same; regulating the manner of boiling and melting pitch, tar, turpentine or resin, or any other inflammable substance in the said Harbour, or the beaches thereof; the maintaining order and regularity and preventing theft and other depredations therein; the collecting of the dues, fines and penalties imposed by this Act; and finally, the revoking, altering and amending of the said By-laws, as often as may be deemed fitting and expedient by the said Corporation: Provided always that no such By-law shall have any force or effect until sanctioned by the Governor and published in the *Canada Gazette* published by Authority; and all such By-laws, so made and sanctioned as aforesaid shall be printed and hung up in some conspicuous place in the Custom House of the Port of Montreal, and also in some conspicuous place in the Offices of the said Corporation, and copies thereof certified by the Secretary of the said Corporation, under the Seal thereof, shall be admitted as full and authentic proof of the same in all Courts of Law or Equity in this Province.

Proviso.

Valuation for  
*ad valorem*  
dues.

12 Vic. c. 1.

VII. And inasmuch as the dues hereby imposed are chiefly *ad valorem* dues, and it is expedient to provide for the protection of the Revenue to be derived therefrom; Be it enacted, That the valuation for and towards the payment of such dues shall be made according to the provisions contained in the Act of the Legislature of Canada passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Law relative to duties of Customs*, in the manner therein provided in and by the Appraisers appointed under and in virtue of the said provisions, and the said provisions shall for the purposes of this Act be held and considered to form part of this Act as if the same were embodied herein, and the said dues shall for the purposes of the said valuation be held and considered as duties of Customs.

Duties of Ap-  
praisers.

VIII. And be it enacted, That it shall be lawful for the Governor to direct the said Appraisers to attend at such place or places in the said Harbour for the purpose of such valuation as the said Corporation shall require, and there to act as such Appraisers during any time needful which such Appraisers shall accordingly do without taking any new Oath of Office, and each such Appraiser shall be deemed an Officer of the Customs: Provided always that on Goods the value of which cannot be satisfactorily ascertained, and on Goods not subject to specified dues under the Tariff in the Schedule hereunto annexed, it shall be lawful for the said Commissioners to levy such rates

Proviso.

as



as may correspond in their judgment with those on analogous Articles, Packages, or Quantities detailed in the said Tariff.

IX. And be it enacted, That the said Corporation may by any By-law made under this Act, impose penalties not exceeding twenty pounds currency, on any person contravening such By-law or any By-law which the said Corporation may lawfully make under this Act.

Corporation may impose certain penalties.

X. And be it enacted, That a Harbour Master for the said Harbour shall be appointed by the said Corporation, and it shall be the duty of the said Harbour Master to superintend and enforce the execution of this Act and all By-laws that may emanate from the said Corporation in virtue of this Act, for the regulation and good government of the said Harbour.

Harbour Master's appointment and duties of.

XI. And be it enacted, That a Deputy or Assistant Harbour Master may also be appointed by the said Corporation whose duties shall be defined by such By-laws as the said Corporation may see fit to enact.

Deputy Harbour Master to be appointed.

XII. And be it enacted, That there shall be levied on all Vessels whatsoever, and on all goods landed from or taken on board the same, lying any where within the limits of the said Harbour in the stream or otherwise, the several dues mentioned in the Schedule A and appended to this Act, and the said dues shall be levied by and paid to the said Corporation, provided however that no goods transhipped outwards (that is to say, into a Vessel bound down the river to some place out of the Port of Montreal,) from one Vessel to another within the limits of the said Harbour without being landed, shall be subject to pay any other than the outward dues ; and that goods transhipped from one vessel to another inwards (that is to say, into a vessel bound to some place within the said Harbour or up the river to some place out of the said Harbour,) without being landed, shall only be subject to pay the landing dues ; but if any such goods be landed upon the wharves or piers, or any of them, whether for immediate reshipment or otherwise, then such goods shall pay the landing dues and also the shipping dues, if re-shipped.

Dues to be levied on goods.

Proviso.

XIII. And be it enacted, That the said dues of any kind whatsoever shall be payable by and may be levied from the consignee or shipper of any goods imported or exported by sea, and from the owner, master, purser, conductor or person in charge of any vessel, (sea-going vessels excepted), upon which or in respect of goods shipped on board or landed from which such dues are payable as may be mentioned in the said Schedule A, saving to such person paying the same the recourse which he may by law have against any other person for the recovery of the sums so paid : (Provided always, that none but the master or person in charge of any sea-going vessel shall be liable

Dues how payable, and to whom.

Proviso : on Master of a

4 \*

for

vessel to be  
liable for ton-  
nage dues.

Corporation  
empowered to  
seize for non-  
payment of  
dues.

for the tonnage dues on the said vessel ;) and all the said dues shall be payable to the Collector of Customs at the Port of Montreal, or such other person as the said Corporation may appoint, for and on behalf of the said Corporation on demand, and the said Corporation may sue for and recover any and all such dues, from such owner, master, purser, conductor, consignee, or shipper before any Court of competent jurisdiction, or before any Magistrate residing in the City of Montreal, if the sum demanded do not exceed Eleven pounds currency, and if the sum demanded do exceed Eleven pounds currency, then before any Court of competent jurisdiction ; and the said Corporation shall also have power and authority, upon non-payment of the said dues, or any part thereof, even before judgment therefor, to seize any vessel or any goods upon which the said dues may be owing, and detain it or them at the risk, cost and charge of the owner, until the sum due and the costs and charges incurred in and about such seizure and detention be paid in full ; and such seizure may be had and obtained upon the order of any Judge or Magistrate for the District of Montreal, or upon the order of the Collector of Customs at the Port of Montreal, which order such Judge, Magistrate and Collector are and each of them is hereby authorized and required to give upon the application of the said Corporation, on the affidavit of any one credible person that any sum is due for such dues as aforesaid ; and the said order may and shall be executed by any Constable, Bailiff or other person whom the said Corporation may choose to entrust with the execution thereof, and which said Constable, Bailiff or other person is hereby authorized and empowered to take all necessary means, and to take and require all necessary aid to enable him to execute the said order.

Masters, &c.  
of all steam-  
boats to make  
reports.

XIV. And be it enacted, That the master or purser, conductor or person in charge, or agent of each and every Steamboat and Steamboat Barge, plying between Montreal and any other Port in the River St. Lawrence, (Steam Ferry Boats excepted, which shall not be required to report oftener than once each day) shall immediately on the arrival of the same in the said Harbour, make and deliver to the Corporation or to the person authorized by it to receive the same, a report in writing which shall be signed and declared to by him shewing the number of days such Steamboat or Steamboat Barge shall have remained in the said Harbour on its then last preceding voyage, and also a correct and true list of the goods landed from or taken on board as freight during such time ; and he shall also exhibit the Bills of Lading, or other Vouchers, of the said cargoes, when required so to do, and shall immediately and without delay pay all dues chargeable thereon ; and in default of making and delivering such report or of exhibiting and giving communication of such Bills of Lading or other Vouchers, or of paying such dues, the said Corporation shall have power and authority forthwith to seize and detain the said

On his neglect  
to make re-  
port, Corpora-  
tion may  
seize.



said Steamboats, Steamboat Barges and Ferry Boats in manner and form as prescribed by the next preceding section of this Act, and to detain the same at the cost, risk and charges of the owners thereof, until payment as aforesaid: Provided always, that nothing herein contained shall prevent the said Corporation or their authorized agent, from requiring the said master, purser, conductor or person in charge of such Steamboat or Steamboat Barge to make oath to the accuracy of such report in writing if they or their authorized agent see fit to require the same; and if such report shall be found not to contain the whole of the goods taken on board at the said Harbour, or landed thereat from such Steamboat or Steamboat Barge, and such omission shall be proved on the oath of a credible witness, sworn before such Magistrate or the said Collector, then and in such case such master, purser, agent or person in charge as aforesaid, shall be subject to a penalty not exceeding twenty pounds currency, for each false return so given in, to be recovered in like manner as the dues already provided for in this Act; Provided also, that nothing herein contained shall prevent the said Corporation from appointing a person to take an account of the cargoes landed and shipped by any such Steamboat or Steamboat Barge, or other Vessel whatsoever, should such be deemed necessary or expedient.

Proviso.

Proviso.

XV. And be it enacted, That if any injury shall be done to the wharves, quays or piers in the said Harbour, or to any of the works now erected, or which may be erected under the management of the said Corporation, by any vessel wilfully or by the carelessness of the crew, but not otherwise, it shall and may be lawful for the said Corporation to seize and detain, in the manner prescribed by the thirteenth section of this Act, such vessel, until the injury so done shall have been repaired by the crew or persons belonging to the same, or until security shall have been given by the owner, manager, conductor, person in charge, agent or consignee of the same, to the satisfaction of the said Corporation, to pay such amount as shall be awarded, with costs, by the judgment which may be rendered as hereinafter mentioned, in any suit to be brought by the said Corporation by reason of such injury; and for any injury done to the said wharves, quays, piers, or other works as aforesaid, or for any other injury whatsoever, by any person whomsoever, the said Corporation may sue for, and recover with costs, in any Court of competent jurisdiction, such damages as may be proved to have been occasioned; and such suit may be brought against the master or owner, or the conductor, or person in charge of the said vessel: Provided always, that when the amount of the damage sued for by the said Corporation shall not exceed ten pounds currency, the same may be sued for and recovered, upon the oath of one credible witness, and any one of the Members of the Corporation, or of the Officers and servants thereof, shall be competent as such witness, either before any such

Corporation may seize for damage done by the crew of any vessel to the harbour works.

Proviso.

such Magistrate, or before any Court of competent jurisdiction, as the Corporation may see fit.

Name of all vessels to be conspicuously painted.

XVI. And be it enacted, That it shall be lawful for the said Corporation, or for any person by the same duly authorized, to require and exact of the captain, master, purser or other person in charge of every boat, barge or other craft, upon or after its arrival in the said Harbour, that there shall be painted on the stern or side, or on some conspicuous part thereof, its number or name, a register of which number or name the Corporation may keep ; and if he shall refuse to allow such number or name to be so painted as aforesaid, or if he shall remove or deface or permit such name or number to be removed or defaced, such master, owner, captain or other person in charge for the time being, shall be subject to a fine of two pounds and ten shillings currency for every such offence, which shall be recovered, after service of the process on any person on board such boat, barge or craft and shall be levied by distress and sale, either of the goods and chattels of the said owner, or by the sale of such boat, barge or craft which shall and may be detained until such fine, together with all costs attendant upon such detention, be paid in full ; Provided always, that the expense of painting the said name or number shall be paid and borne by the said Corporation.

Penalty in case of removal or defacement of name.

Proviso.

Owner, &c., of Ferry-boat &c., may commute for dues.

XVII. And be it enacted, That it shall be lawful for the said Corporation to commute with the Owner, Agent or Master of any Steam boat or Steam or other Ferry-boat plying between the said Harbour and any other port or place on the River St. Lawrence, for all dues accruing thereon under this Act, in such manner and upon such terms, and with such security for the payment thereof as the Corporation shall see fit, and to accept such gross sum of money as may be considered by the Corporation a fair equivalent for the said dues ; and upon such commutation being effected then and in that case the Report of Cargo otherwise required by this Act shall be dispensed with, and the said commutation money so agreed upon by the said Corporation shall be in lieu of such dues, and shall be recovered in the manner already provided in this Act for the recovery of such dues.

How moneys levied by Corporation applied.

XVIII. And be it enacted, That the monies arising from the said dues and from all fines and penalties collected and levied under and by virtue of this Act, shall be applied by the said Corporation as follows, to wit :

1. To the payment of the reasonable expences of collecting the same, and of all other expences indispensably incurred by the said Corporation, in the performance of its duties hereby assigned.



2. In defraying any expences by the Corporation, incurred in deepening and cleaning the said Harbour, and in keeping the works constructed or to be constructed in and for the improvement of the said Harbour, in efficient repair, which said expences may be incurred, without any special application to or approval by the Governor; any thing in any law to the contrary notwithstanding.

3. In paying off the interest of all sums of money borrowed or hereafter to be borrowed, at the periods when such interest is or may be made payable.

4. In repaying to the Receiver General any sums of money which may have been advanced by that officer out of the public funds of the Province, to the said Corporation, or to the said Commissioners of the said Harbour.

5. In paying off the principal of any sums of money to be borrowed by the said Corporation, and which shall not have been made redeemable at any certain time.

XIX. And be it enacted, That the said Corporation, may, Appointments of Officers and Servants. from time to time, appoint such and so many Officers or Servants, as may be deemed necessary to carry out the provisions of this Act, and may allow to them such compensation or salaries as to the said Corporation shall seem meet; and may require them to furnish good and sufficient security to the satisfaction of the said Corporation, for the due and faithful performance of the duties which they may be respectively called on or required to perform, and also for the proper and regular accounting for all and every the moneys to be received by them respectively.

XX. And be it enacted, That all fines and penalties imposed by this Act, other than those for which special provision is made, may be recovered by civil action or proceeding at the suit of the said Corporation only, before any one Magistrate for the District of Montreal, in a summary manner and on the oath of one credible witness, and shall be paid to the said Corporation. How fines to be recovered.

XXI. And be it enacted, That for the purposes of this Act, the Lower Basin of the Lachine Canal shall be construed and taken to be a part of the said Harbour of Montreal, and that the said Corporation shall have power and authority to levy from all vessels entering the same for the purpose of discharging and loading there, but making no other use of the said Lachine Canal, the same dues as may be levied in the said Harbour of Montreal; provided that in all other respects the said Lower Basin shall be and remain under the jurisdiction of the Commissioner of Public Works as at present provided for. Lower Basin of Lachine Canal included in Harbour. Proviso.

Corporation  
empowered, to  
contract a loan  
of £10,000 at  
8 per cent.

XXII. And be it enacted, That it shall be lawful for the said Corporation to borrow any sum not exceeding Ten Thousand Pounds, in sterling or in currency, in this Province, or elsewhere, for any term of years, and at any rate of interest not exceeding eight per cent per annum, for the purpose of constructing a wharf at or near the foot of Monarque street, in the City of Montreal, and for the purpose of making such further improvements in the said Harbour as the requirements of trade and public convenience may from time to time show, in the judgment of the said Corporation, to be necessary, and for defraying the cost of a Steam Dredging Vessel and Scows for the purpose of cleaning out and deepening the said Harbour.

Interest on  
loan, how  
payable.

XXIII. And be it enacted, That the interest on any sums of money borrowed under the next preceding section shall be payable out of the revenues of the said Harbour as provided for in the eighteenth section of this Act.

Annual state-  
ment.

XXIV. And be it enacted, That the said Corporation shall annually submit to the Governor a detailed and particular account of the monies received and expended by them under and by virtue of this Act, together with a statement of their proceedings in the execution of their duties.

Corporation  
empowered to  
borrow  
£40,000 at 8  
per cent.

XXV. And whereas by the Provincial Act thirdly above cited, the Harbour Commissioners therein mentioned were authorized to borrow a sum not exceeding Thirty Thousand Pounds at any rate of interest not exceeding eight per cent. per annum, for the purpose of deepening and otherwise improving Lake St. Peter, so as to afford a safe and convenient channel through the same with a depth of water of not less than sixteen feet throughout and at all times, and the said channel to be made in such manner, direction and place as the said Commissioners should deem best, and also for the purpose of deepening and improving the channel of the St. Lawrence, at and near *Isle Platte*, in such manner as the said Commissioners might think best and in like manner to have a depth of water therein at all times of at least sixteen feet; and whereas the said Commissioners have borrowed and expended the said sum of money, and the said improvements are not yet complete; and whereas it is desirable that the said improvements should be made and completed as soon as possible, and also that provision should be made for deepening the channel of the river St. Lawrence to sixteen feet wherever it may require to be so deepened between the said Lake St. Peter and the upper boundary of the said Harbour of Montreal: Be it therefore enacted, that it shall be lawful for the said Corporation, to borrow in this Province or elsewhere, and in Sterling or in Currency, a further sum not exceeding Forty Thousand Pounds, at such rate of interest not exceeding eight per cent. per annum (but upon the most advantageous terms in their power,) and  
for



for such length of time as may be agreed upon, or as may be deemed expedient by the said Corporation, for the purpose of carrying out and completing the aforesaid improvements in Lake St. Peter, and in the Channel of the river St. Lawrence, wherever the same may be required between the said Lake St. Peter and the said upper boundary of the said Harbour—and it shall also be lawful for the said Corporation, from time to time (if necessary) to borrow further sums under like provisions for the purpose of paying off any such debentures as may become due and payable and which the said Corporation shall not otherwise be able to pay, but for no other purpose whatever: Provided that the sums so borrowed and owing by the said Corporation under this section at any one time, (except during such short interval as may necessarily intervene between the raising of money to pay off any Debentures and their actually being paid off,) shall never exceed the sum of Forty Thousand Pounds in addition to the sum of Thirty Thousand Pounds already borrowed under and by virtue of the said Act thirdly above cited, less the sum by which it ought then to be diminished by the operation of the Sinking Fund hereinafter mentioned.

Proviso—liabilities of Corporation under this section not to exceed £40,000.

XXVI. And be it enacted, That the guarantee of the Province shall not be given for the payment of either the principal or the interest of any sum to be borrowed under the next preceding section, but the same shall be payable,—firstly, out of any surplus which may remain of the proceeds of the tonnage duty hereinafter mentioned after defraying all expenses to be incurred in managing and keeping in repair the works also hereinafter mentioned; and secondly, out of any surplus which may remain of the moneys arising from dues and other moneys coming into the hands of the Corporation, after paying off and providing for all other charges upon and payments directed to be made out of the same.

How sums borrowed to be payable.

XXVII. And be it enacted, That the money to be borrowed by the said Corporation, under the authority of the Section next but one preceding, shall be by them applied to defray the expense of deepening and otherwise improving Lake Saint Peter, so as to afford a safe and convenient channel through the same, with a depth of water not less than sixteen feet throughout the same, and at all times; the said channel to be made in such manner, direction and place as the said Corporation shall deem best; and also in deepening and improving the channel of the River St. Lawrence at and near *Isle Platte*, in such manner as the Corporation may think best, but so as to have a depth of water not less than the depth in the said channel through Lake Saint Peter; and also in deepening and improving the channel of the River Saint Lawrence, wherever it may require it, between Lake Saint Peter and the upper boundary of the Harbour of Montreal, so as to give throughout the same and at all times a depth of water of not less than sixteen

How money borrowed under section 26 to be applied.

sixteen feet ; And to aid the Corporation in performing the said work, it shall be lawful for the Commissioner of Public Works to place at the disposal of the said Corporation all steamers, dredging vessels, machinery, tools and implements constructed or acquired for the purpose of carrying on the work connected with the improvement of Lake Saint Peter, which shall be in the possession of the said Commissioner of Public Works, and the said Corporation shall, for the purpose of carrying on the said works, have the same powers and facilities as the Commissioner of Public Works would have if the same were carried on under his management and control.

Corporation to mark out channel by buoys and beacons.

XXVIII. And be it enacted, That it shall be the duty of the said Corporation to mark out the Channel of the said River Saint Lawrence from the said Harbour through the deepened Channel of the said Lake Saint Peter down to the mouth of the River Richelieu, by such and so many buoys and other beacons or land marks as may be deemed necessary, and to provide the said buoys and beacons or land marks out of any moneys which it may have in hand not otherwise specially appropriated.

Tonnage duty imposed, and how collected.

XXIX. And be it enacted, That it shall be lawful for the Governor on the application of the said Corporation, at any time after the passing of this Act, to impose a tonnage duty not exceeding one shilling per ton of the registered tonnage of all vessels drawing ten feet of water or upwards, and passing through Lake St. Peter, such duty to be payable for each time of passing the Lake ; and the said duty shall be payable to the said Corporation, and may be collected, recovered, and payment thereof enforced in the manner provided by this Act, with regard to the Harbour dues payable to the said Corporation, and no vessel upon which such duty shall be payable shall be entered or cleared at the Port of Montreal, or cleared at the Port of Quebec if she has left Montreal without being cleared, until the Collector or other Officer granting such Clearance shall be satisfied that such duty has been paid.

How tonnage duty shall be applied.

XXX. And be it enacted, That the proceeds of the said tonnage duty shall be applied by the said Corporation :

*First.* To the payment of all reasonable expenses incurred in collecting the same.

*Secondly.* To the payment of the expenses of managing and keeping in efficient repair the said improvements and works on Lake St. Peter, and the said channel of the River St. Lawrence and at *Isle Platte*, made and to be made, performed and managed by the said Corporation.

*Thirdly.* To the payment of the interest of the sums borrowed under and by virtue of this Act and the Provincial Act thirdly above cited and of the principal thereof, at the periods when the same shall respectively become due.

*Fourthly.*



*Fourthly.* To the payment of not less than two per centum per annum on the sum to be borrowed as last aforesaid, for the purpose of forming a Sinking Fund towards paying off the principal of the sum so borrowed, the amount to be so paid, the officer to whom it shall be paid, and the mode of paying, managing and investing the same, to be from time to time determined by the Governor: *Provided* always, that if the proceeds of the said tonnage duty, added to the surplus remaining out of the proceeds of the dues and other moneys coming into the hands of the Corporation, after paying all prior charges thereon, shall not at any time be sufficient to meet the charges imposed by this Section, then it shall be lawful for the Governor to add such per centage to the said tonnage duty (above the rate of one shilling per ton), and to the said Harbour dues, as will, in his opinion, be sufficient to enable the Corporation to meet all the charges imposed by this Section, out of the duty and surplus hereby directed to be applied to the payment thereof.

XXXI. And be it enacted, That the said Corporation shall keep separate accounts of all moneys borrowed, received and expended by them, under the authority of the next preceding six Sections of this Act, and shall annually account for the same in the manner provided in Section twenty-four of this Act, such accounts being rendered to the Governor in such manner and form as he shall from time to time direct, and being accompanied by a full and particular statement of the proceedings of the Corporation for the same space of time.

XXXII. And be it enacted, That any person wilfully removing or destroying, or procuring to be removed or destroyed, any buoy, light, beacon or land mark placed by the said Corporation for the purposes of navigation, either in the said Harbour or in the said Lake Saint Peter, or in the Channel of the River Saint Lawrence between the said points or elsewhere, shall, upon conviction, before any competent tribunal or Magistrate, for every such offence (of which he may be convicted by the testimony of one competent witness, and any one of the Members of the Corporation, or of their officers and servants, and any persons appointed by virtue of this Act shall be competent as such witness,) incur and pay to the said Corporation a penalty not exceeding One Hundred Pounds, with costs of suit, and in default of payment shall be committed to the Common Gaol of the District of Montreal, until the same be paid.

XXXIII. And be it enacted, That the Members and Officers of the said Corporation shall be exempt from serving on Juries or Inquests whatsoever, or as Assessors or Constables.

XXXIV. And be it enacted, That the words "By-Laws," "Vessels," "Goods" and "Dues," in the provisions of this Act,

*Proviso.*

Corporation to keep separate accounts of all moneys borrowed.

Penalty for removing or destroying buoys, beacons, &c.

*Exemptions.*

*Interpretation clause.*

Act,

Act, wherever the same occur, shall severally be construed to mean and shall mean as follows : the words "By-Laws" shall mean and include all By-Laws, Rules, Orders and Regulations made by the said Corporation or other competent authority ; the word "vessels" shall mean and include all Ships, Vessels, Boats, Barges, Steamboats, Scows, Rafts, or other craft whatever ; the word "Goods" shall mean and include all Merchandize, Wood, Animals, articles and things whatever landed from or taken on board of any vessel ; and the word "Dues" shall mean and include all Rates, Tolls and Duties, Tonnage and Wharfage Dues, payable by any vessel or upon any goods, as mentioned in the said Schedule appended to this Act.

Appointment of arbitrators in case of disagreement as to price of land.

XXXV. And be it enacted, That whenever the said Corporation shall desire to acquire any land for the purposes of this Act, and an amicable arrangement with the proprietor shall not take place, the price to be paid for such land shall be determined as follows : the said Corporation and the proprietor, shall each appoint a disinterested arbitrator, and the two arbitrators shall name a third, also disinterested, and the three arbitrators after being sworn by or before any legally qualified person to fulfil their duty honestly and impartially, and having reciprocally given notice of the time and place of their meeting, shall determine the price to be paid by this Corporation for such land, and their decision shall be final.

Proprietor neglecting, Judge to appoint arbitrators.

XXXVI. And be it enacted, That if the proprietor of the land shall, after being notified by the said Corporation, refuse or neglect to appoint an arbitrator to fix the price thereof, or if the two arbitrators appointed by the two parties interested shall not agree upon a third, one of the Judges of the Superior Court shall name an arbitrator for the proprietor, or, as the case may be, the third arbitrator ; and in case of the death of an arbitrator, or his refusal to act, the party who shall have appointed him, or the Judge, as the case may be, may appoint another in his place ; and the three arbitrators being respectively sworn by any legally qualified person shall decide finally on the price to be paid by the said Corporation for the land.

Corporation may take the land at price fixed by arbitrators.

XXXVII. And be it enacted, That when the arbitrators shall have determined the price of any land, the said Corporation may take the same and become proprietor thereof, by paying the price so fixed either to the proprietor or into the hands of the Prothonotary of the Superior Court at Montreal for the proprietor, and the price agreed upon or awarded for any land taken or kept by the said Corporation, shall be in the place and stead of the land, and all claims to or upon the land shall be converted into claims to or upon such price ; and if the said Corporation have reason to apprehend that any claims may exist to or upon the price on the part of any third party, it may pay such price into the hands of the Prothonotary of the Superior Court at Montreal,

filing



filing at the same time a copy of the deed of purchase or of the award, and the Court after having caused due notice to be given for the calling in of all claimants, shall make such order for the distribution of the price and with regard to interest thereon and to costs as to law may appertain.

XXXVIII. And be it enacted, That this Act shall be a Public Act.

### SCHEDULE A—TARIFF.

Tolls, Rates and Wharfages to be levied in the Harbour of Montreal, by virtue of this Act.

On Steamboats measuring fifty tons and upwards, per ton of their Burthen per Register, for each day of twenty-four hours they remain in port, reckoned from the hour of their arrival to that of their departure.....	$\frac{1}{2}$ d.
On all other Vessels measuring fifty tons and upwards, per ton of their burthen per Register, for each day of twenty-four hours they remain in port, reckoned from the hour of their arrival to that of their departure.....	$\frac{1}{4}$ d.
On Steamboats measuring under fifty tons per day as aforesaid.....	2s.
On all other Vessels measuring under fifty tons per day as aforesaid.....	6d.

And on the following Animals, Articles, Goods, Wares and Merchandize, to wit:

Ashes, Pot or Pearl, per Barrel.....	3d.
Peas, Beans and Corn or Grain of all kinds, except Wheat, per hundred minots.....	9d.
Wheat, per hundred minots .....	1s. 3d.
Malt, per hundred minots.....	10d.
Salt, per hundred minots.....	10d.
Flour, per Barrel of one hundred and ninety-six pounds.....	$\frac{1}{2}$ d.
Flour, per Half Barrel.....	$\frac{1}{4}$ d.
Pork and Beef, per Barrel.....	$\frac{1}{2}$ d.

(Other packages in proportion.)

Cinders )	
Coals )	Per Chaldron.....
Coke )	6d
Deals, per one hundred pieces.....	1s. 3d.
Deal ends, per hundred pieces.....	5d.
Boards, per hundred pieces.....	5d.
Planks, per hundred pieces.....	10d.
Scantling, per hundred pieces.....	5d.
Shingles, per Bundle.....	1d.
Handspikes, per one hundred.....	7 $\frac{1}{2}$ d.
Staves, Barrel, per mille.....	9d.

Staves

Staves, Puncheon, per mille.....	1s.
Staves, Standard, per mille.....	3s.
Timber, per one hundred feet.....	5d.

Frames of Rafts, free, till discharged :

Firewood, per cord.....	3d.
Bark, per cord.....	3d.
Hogs, each.....	1d.
Horses, Mares, Colts, each.....	1d.
Sheep, Lambs, each.....	$\frac{1}{2}$ d.
Neat Cattle, each.....	1d.
Calves, each.....	$\frac{1}{2}$ d.
Hay or Straw, per one hundred bundles.....	6d.
Stones, per one hundred feet.....	5d.
Iron } Per Ton.....	10d.
Lead }	
Oysters per minot.....	$\frac{1}{4}$ d.
Burr Stones each.....	$\frac{1}{2}$ d.

And upon all Goods, Wares and Merchandize whatsoever not enumerated in the foregoing list, there shall be levied and paid a rate of one half penny on and for every pound currency of the value of the same.

## C A P. X X V.

An Act for the relief of sufferers by the late fire at Montreal, by facilitating the negotiation of Loans to enable them to rebuild the property destroyed by the said fire.

[10th November, 1852.]

Preamble.

**W**HEREAS by the disastrous conflagration which has lately burned above one thousand houses and other buildings in the City of Montreal, a large amount of property was destroyed ; And whereas the greater number of the persons who suffered upon that occasion have lost all they had, and are unable to re-build the property so destroyed without assistance ; And whereas the Corporation of the said City of Montreal, has expressed its willingness to become surety to the extent of a sum not exceeding one hundred thousand pounds for such of the said persons as may borrow money for the purpose of enabling them to re-build their property so destroyed ; And whereas the loans contemplated by this Act can be obtained with greater facility and on easier terms, if the payment of the sums borrowed and the interest thereon be guaranteed by the Government of this Province in the event only of the said Corporation refusing or neglecting to make good the security which may be given by the said Corporation : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly



Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That if any person or persons, company or firm of persons, body politic or corporate, shall lend and advance to any person or persons having suffered by reason of the fire above mentioned, such sum or sums of money as may be required by such person or persons for rebuilding and erecting, upon lots of ground left vacant by the said fire, such houses or other buildings as they may require, or shall lend and advance to any person or persons having suffered by the said fire, such sum or sums of money as may be required by such person or persons to repay any sum or sums of money already borrowed for the purpose of rebuilding or erecting such houses or other buildings, and with which such person or persons shall have rebuilt or erected such houses or other buildings, upon lots of ground left vacant by such fire as aforesaid, it shall be lawful for the Corporation of the said City of Montreal, if it shall see fit, in the usual and ordinary manner in which the said Corporation becomes a party to and executes deeds or contracts, to become a party to any Obligation, Deed, *Acte*, or Instrument in writing under which any such Loan or Loans is or are to be made, granted and effected, and as such party as aforesaid to become surety, (*caution*) for any such loan or loans, made by any person or persons, company or firm of persons, body politic or corporate, to any person or persons, under the authority of this Act; and for the purposes of such suretyship to bind and oblige itself as surety (*caution*) only, for the repayment of the same, and the due payment of the interest thereon in whole or in part (as the case may be), in the event of the lenders being unable to enforce payment thereof, from the parties borrowing the same, after due diligence and the discussion of the personal and real estate of the said parties for that purpose.

The Corporation of Montreal may become surety for persons borrowing money to rebuild property destroyed by the Fire.

II. Provided always, and be it enacted, That the loans for which the said Corporation shall become surety under the authority of this Act, shall not exceed at any time the sum of One Hundred Thousand Pounds, current money of Canada; and provided also, that no loan for which the said Corporation shall be surety under the provisions of this Act, shall in any case exceed the sum of Five Hundred Pounds current money aforesaid, for each lot of ground to be built upon, each lot of ground within the meaning of this Act not to contain less than one thousand feet in superficies; and that any sum or sums of money to be lent under the provisions of this Act, and for the repayment of which the said Corporation shall be surety shall be so lent at a rate of interest not exceeding six per centum per annum, and for a period not exceeding twenty years.

Extent of suretyship limited to £100,000: and to £500 in each case.

Rate of interest.

Privileges for  
securing sums  
so lent.

III. And be it enacted, That any person or persons, company, or firm of persons, body politic or corporate so making any loan or advance under any instrument to which the Corporation shall be a party as aforesaid, shall have a privilege for such loan, in principal, interest and costs, upon the houses or other buildings erected and built upon the lot of ground described in such instrument, which privilege shall be superior to, and have preference over any other claim, debt, mortgage or privilege whatsoever, on such houses or buildings, and that to secure such privilege it shall not be necessary to observe any of the formalities now required by law, or any other formality whatsoever; Provided always, that such privilege shall, as regards the ground itself upon which such houses or buildings may be erected, rank next after the privileges, debts, mortgages or claims already existing or which may exist upon such ground (*fonds*) at the time of making such loan; but nothing herein contained shall prevent the parties making such loan or loans from taking a hypothec as provided by law, upon the said ground (*fonds*), which hypothec, if duly registered, shall rank as aforesaid.

Property to  
be insured.

IV. And be it enacted, That the person or persons, company or firm of persons, bodies politic or corporate, making such loan or loans as aforesaid, shall have the right, and they are hereby required to insure, at such Insurance Office or Offices as they and the said Corporation may agree upon, or if they cannot agree, then in such Office as the Governor shall direct, and for an amount sufficient to cover such loan or loans, or the amount thereof actually owing at the time such Insurance shall be effected, and no more, the houses or other buildings which may be erected and built as aforesaid, and to continue such Insurance from year to year until the repayment of the amount lent under this Act, shall have been made, and to charge the proprietor or proprietors of such houses or other buildings, with the premium of Insurance paid for such Insurance, as aforesaid, which said premium of Insurance the person or persons for whom such Insurance shall have been effected, shall be bound to repay forthwith and upon the first demand; and the amount of such Insurance in the event of the property so insured being destroyed or injured by fire, shall be appropriated to the payment, first, of the arrears of interest due upon the amount lent, and secondly, towards the payment of the principal so lent.

Province to  
guarantee the  
performance  
of the obliga-  
tion which the  
Corporation  
shall take  
upon itself.

V. And be it enacted, That to the extent of the sum of one hundred thousand pounds as aforesaid, the guarantee of this Province shall be given in the manner hereinafter provided, for the due performance by the said Corporation of the City of Montreal, of the obligations it shall take upon itself by such suretyship as aforesaid, that is to say: in the event of the said party



party or parties lending the said money, being unable to enforce payment thereof or of the interest thereon from the parties borrowing the same, after due diligence and discussion of the personal and real estate of the said last mentioned parties ; and in the event also of the said Corporation not then paying the same on demand as aforesaid, it shall be lawful for any person or persons, company or firm of persons, body politic or corporate, having made such loan or loans as aforesaid, to apply to the Governor of this Province for payment of any sum or sums so due as aforesaid, either for principal or interest ; and upon such application for payment it shall be lawful for the Governor to issue his Warrant for the amount so due, to the Receiver General of the Province, requiring him to pay the amount mentioned in the said Warrant, and to charge the same upon the unappropriated funds of the Province then in his hands.

VI. And be it enacted, That upon such sum or sums of money being paid upon such Warrant as aforesaid, the Crown shall immediately be substituted and subrogated to all the rights and actions which the parties to whom such sum or sums of money shall have been paid, might or could have exercised against the person or persons to whom the loan or loans shall have been made, or against the said Corporation of the City of Montreal, for the recovery of the sum or sums of money so lent as aforesaid, without its being necessary that any Act, Deed or Instrument whatever should be made or passed to operate such substitution or subrogation, and that the receipt in the hands of the Receiver General or other Officer shall be sufficient evidence in all Courts of Law of such payment, substitution and subrogation ; provided always, that such rights or actions may be exercised either in the name of the lender or lenders of such sum or sums of money, or in the name of Her Majesty's Attorney General, either by action or information in any Court of competent jurisdiction.

Payment of  
any sum by  
the Province  
to operate  
subrogation,  
&c.

VII. And be it enacted, That the said person or persons obtaining such loan or loans aforesaid, or the said Corporation of the City of Montreal, shall, forthwith after the execution of any Obligation, Deed, *Acte* or Instrument in Writing, under this Act, furnish an authentic copy thereof to the Receiver General aforesaid, as also an authentic copy of any other Deed, Act or Instrument affecting the original transaction in any manner whatever.

Copies of  
Deeds to be  
furnished to  
Government.

VIII. And be it enacted, That the said Corporation of the City of Montreal, shall keep a statement or account of all the loans made under this Act, shewing by whom such loans shall have been made and to whom, the period at which the same were effected, at what period the interest accrues, the arrears of such interest due upon each loan respectively, and at what period or periods the principal is made payable, a copy of which

Corporation to  
keep ac-  
counts, and  
furnish copies  
when re-  
quired.

which statement or account duly certified shall be furnished to the Government when and so often as the said Corporation may be required and called upon so to do ; and for the purpose of enabling the said Corporation to keep such account, the party making any such loan under this Act, shall certify to the said Corporation, and whenever thereunto required by the said Corporation, every sum of money which such party shall have received on account of the principal or interest of the sum lent and the date at which it was received.

Sheriff having execution against the Corporation may levy the money by rate : and by what proceedings, &c.

IX. And be it enacted, That if any Sheriff shall receive a Writ of Execution, commanding him to levy any sum of money due by the said Corporation for the principal or interest of any Loan made under the authority of this Act, the Plaintiff may require, and the Court shall then order that such execution be levied by Rate ; and if such order be made, the Sheriff shall cause a copy of such Writ to be served upon the Treasurer of the said City, and if the money therein mentioned, with all the lawful interest and costs, which the Sheriff is commanded to levy, be not paid within one month from the time of such service, the Sheriff shall himself calculate, as nearly as may be, what Rate in the pound upon the assessed annual value of the property liable to assessment in the said City, will in his opinion, after making fair allowance for expenses, losses, and deficiencies in the collection of such Rate, be required to produce a nett amount equal to the sum, interest and costs he is commanded to levy, and ten per centum thereon in addition, and shall certify such Rate under his hand to the Clerk of the said City, for the information of the Council thereof, and shall attach thereto his precept commanding the said Corporation, and all officers whom it may concern, forthwith to cause the said Rate to be levied, and the proceeds thereof paid over to him ; and such precept shall be deemed an order of the Court, out of which the Writ issued, and shall be obeyed by the said Corporation, and by all officers thereof, and others whom it may concern, on pain of their personal responsibility to the said Court ; and the Rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any Rates lawfully imposed by any By-laws of the City Council : and it shall be the duty of the Treasurer and Clerk, and of all assessors, collectors, and other officers of the said Corporation, to produce to the Sheriff, on his demand, all assessment books, papers and documents requisite for enabling him to fix the Rate mentioned in this Section, and to give him any information or assistance which he may require for the purposes thereof, and all such officers of the Corporation shall, for all the purposes of this section, be deemed officers of the Court out of which the Writ issued, and amenable to and punishable by such Court accordingly, in case of any failure to perform any of the duties hereby assigned to them respectively ; and the proceeds of the said rate shall by the Treasurer be paid over to the said Sheriff, and by him applied to the satisfaction of



of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, such surplus shall be paid back to the Treasurer and form part of the Funds at the disposal of the said Corporation.

X. And be it enacted, That this Act shall be a Public Act. Public Act.

## C A P . X X V I .

An Act to authorize the City of Montreal to raise a Loan to consolidate their debt.

[10th November, 1852.]

**W**HEREAS by the Act passed in the Session held in the Preamble. fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, it is among other things in effect enacted, That it shall be lawful for the Council of the said City of Montreal to borrow, on the credit of the said City, such sum or sums of money as the said Council may think proper so to borrow, provided the total amount borrowed and remaining unpaid, exclusive and independent of the amounts due or to become due on account of the purchase or improvement of the Montreal Water Works, shall not exceed at any one time the sum of one hundred and fifty thousand pounds currency, which debt so authorized to be contracted for general purposes, is hereinafter called the *General Debt* of the said City ; and whereas by the said Act it is also in effect enacted, That, for the purpose of extending and improving the said Water Works, it shall be lawful for the Council of the said City, to borrow a sum not exceeding fifty thousand pounds, currency, exclusive of the said sum of one hundred and fifty thousand pounds, and in addition to the debt contracted for the purchase of the said Water Works, under the authority of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire and hold the property now known as the Montreal Water Works*, which said debts so authorized to be contracted for the purpose of purchasing or improving the said Water Works, are hereinafter called "*The Water Works Debt*" of the said City ; and whereas the said "*General Debt*," and the said "*Water Works Debt*," are both secured upon the general funds of the said Corporation, and the said "*Water Works Debt*" is also secured by special privilege on the said Water Works ; And whereas it is expedient to make provision for consolidating the said debts, and placing the financial affairs of the said City on a better footing, by providing means for paying off the said debts either by means of terminable annuities or of a Sinking Fund ; and with this view to enable the

said Corporation to borrow money for the purpose of paying off such portions of the existing debts as it may be found conducive to the attainment of the object aforesaid, to pay off: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same,

Corporation  
empowered to  
borrow money  
to pay off their  
present Debt,  
&c.

That in addition to any portion of the sums which the said Corporation is now authorized to borrow, and which may remain unborrowed at the time of the passing of this Act, it shall also be lawful for the said Corporation, to borrow from time to time under the provisions of this Act, such further sums as may be necessary to pay off any part of their debt, (whether forming part of the said General Debt or of the said Water Works Debt, or of the debt to be contracted under this Act, hereinafter called the *Consolidated Debt*), which shall be overdue or which they shall deem it advantageous to the City to pay off; provided, that the total amount of the debt or debts of the said City, shall never exceed the total amount of the General Debt and the Water Works Debt now authorized, except for such short intervals of time as must necessarily occur between the borrowing of any sum for the purpose of paying off any sum due by the Corporation, and the actual paying off the same, and then only by such sum as shall be actually in the hands of the Treasurer, or at the call and disposal of the Corporation, with the intent and for the sole purpose of its being used for paying off any such sum as aforesaid owing by the Corporation.

Proviso:  
Total amount  
of debt limited

How and  
where such  
money may  
be borrowed.

II. And be it enacted, That any sum which the said Corporation is empowered to borrow under this Act, may be borrowed either in this Province or elsewhere, and the principal and interest thereof may be made payable, either in this Province or elsewhere, and either in the currency of Canada or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to Debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Terminable  
annuities may  
be granted for  
money.

III. And be it enacted, That it shall also be lawful for the said Corporation to grant Bonds for Terminable Annuities to parties from whom they shall borrow any sum of money under the authority of this Act, instead of issuing to such parties Debentures of the nature mentioned in any preceding Act or Acts; and any such Annuity may be made payable either in this Province or in any other Country, and either in the Currency of this Province, or in that of the Country in which the same shall be payable, and the amount of any such Annuity, and the term during



during which it shall be payable may be such as shall be agreed upon by the Corporation of the said City, and the other party interested, any law to the contrary notwithstanding ; and any such Annuity may be made payable to the Bearer of the Bond or of the proper *Coupons*, and either by yearly or half yearly payments, and generally the provisions of former Acts as to such Debentures as aforesaid shall be applicable, so far as the case will admit, to Bonds for Terminable Annuities to be issued under this Act ; Provided always, that in calculating the amount of the Debt of the said City, for the purpose of ascertaining whether the amount limited by this Act, has or has not been exceeded, each such Bond shall be reckoned as representing an amount of Debt equal to the sum which the Corporation obtained for it ; And provided also, that the term for which any such annuity shall be granted shall not exceed twenty years.

Form of  
Bonds, &c.

Proviso.

Proviso.

IV. And be it enacted, That any Debenture or Bond issued by the said Corporation after the passing of this Act, shall be held to form part of the Consolidated Debt of the said City, whether it be issued to any party actually making a new Loan to the Corporation or to a party taking such Debenture or Bond in exchange for another or others issued before the passing of this Act, and forming part of the said General Debt or of the said Water Works Debt.

Money so borrowed to form consolidated debt.

V. And be it enacted, That it shall be lawful for the said Corporation to call in all Debentures or Bonds issued before the passing of this Act, the principal sum secured by which may be over due ; and such calling in shall be by advertisement inserted three times at intervals of two weeks in the *Canada Gazette* in both languages ; and three times at intervals of two weeks in some Newspaper published in the said City in the English language, and in some Newspaper there published in the French language, and after the day named in such advertisement, (which shall not be before the time at which the last insertion thereof may be made as aforesaid,) no interest shall be payable by the said Corporation on any Debenture or Bond so lawfully called in and not presented for payment on or before the day named as aforesaid.

Outstanding debentures over due may be called in.

VI. And be it enacted, That it shall be the duty of the Treasurer of the City of Montreal, before the Quarterly Meeting of the Council of the said City, in the month of September in the year one thousand eight hundred and fifty-three, and in each year thereafter, to take from and out of the annual revenues and funds of the Corporation of the said City of Montreal (from whatsoever source arising), and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent on the then outstanding Consolidated Debt of the City secured otherwise than by Bonds for Terminable Annuities, which said sum of money the said City Treasurer

Duty of Treasurer to provide a sinking fund for debt not secured by annuities.

And to provide for payment of annuities.

Treasurer to lay certificate of his having complied with this section, before the council.

Sinking fund for water works debt.

Treasurer shall keep apart from all other moneys, to be invested and applied under the orders of the City Council, solely and exclusively as a Sinking Fund, towards the extinction of that portion of the said Consolidated Debt secured otherwise than by Bonds for Terminable Annuities ; it shall also be the duty of the said Treasurer at the same time to take from and out of the annual revenues and funds of the said City from whatever source arising, and before the payment of any appropriation whatsoever of the said revenues or funds, such sum of money as will be sufficient to pay all the sums then due or to become due during the then next six months for Terminable Annuities granted under this Act ; and it shall be the duty of the Mayor, or person acting as such for the time being, and of the Aldermen and Councillors of the said City, to see that the provisions of this Section be strictly carried out in each year, by the persons whose duty it is to carry out the same, and within the time prescribed therein, and that the sum set apart as a Sinking Fund be invested without delay in the Public Provincial Securities, or in the Stock of such of the Chartered Banks of this Province as shall afford the most ample security and be the most advantageous to all the parties concerned, and that any sum so set apart for the payment of Terminable Annuities be invested in the most advantageous manner consistent with its being at the command of the Treasurer when required to pay such Annuities : And it shall be the duty of the City Treasurer to place before the Council, at its First Meeting in the month of September in each year, a certificate signed by himself and countersigned by the Mayor of the said City, to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this Act, and in default of his so doing the said City Treasurer shall, *ipso facto*, become and be liable to pay to the said Corporation a fine of Five Hundred Pounds currency, which said fine the said Council shall exact from the said Treasurer within the shortest possible delay, and the same shall form part of the Sinking Fund aforesaid, or shall be applied to pay off the said Annuities, if not required for the said Sinking Fund ; and for the purpose of furnishing additional and more ample security to the lenders of the said money, it shall be the duty of the Auditors of the said City annually to lay before the said Council a statement under oath showing whether the said Treasurer has or has not fulfilled all the obligations imposed upon him in and by the said section.

VII. And be it enacted, That all the Revenues arising from or out of the supplying of water to the said City, or from the property moveable or immoveable connected with or belonging to the Water Works for supplying the same, shall, after providing for the payment of the current expenses of the Water Works Department, and the interest accruing on the Debentures or Bonds issued by the said Corporation before the passing of this Act, for moneys borrowed under the authority of the Act hereby amended or of any preceding Act, for the purchase



purchase or improvement of the said Water Works, (and so forming part of the Water Works Debt of the said City,) be formed into a fund separate and apart from all other funds of the said Corporation, and shall be applied by the said Corporation towards the extinction of the said Water Works Debt, and after the extinction of the said Debt the said Revenues shall make part of the General Funds of the Corporation, and may be applied accordingly.

VIII. And be it enacted, That if hereafter at any time it shall happen that the moneys in the hands of the Treasurer of the said City, and applicable to the payment of the interest or of the principal of the said Consolidated Debt of the said City, or any terminable annuity forming part of the said Consolidated Debt, shall be insufficient to pay any such interest or principal or annuity then due, it shall be the duty of the said Treasurer to calculate what Rate in the pound upon the assessed annual value of the property liable to assessment in the said City, will, in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such Rate) be required to produce a sum sufficient, with the moneys in his hands applicable to the purpose, to pay the sum due for such principal, interest and annuity, and to certify such Rate under his hand to the Clerk of the said City, for the information of the Council, in the following form, or to the like effect :

Duty of Treasurer if at any time he shall not have money in his hands to meet interest or annuities due.

“ SIR,—I hereby certify, for the information of the Council of the City of Montreal, that a Rate of \_\_\_\_\_ in the pound, on the assessed yearly value of the property liable to assessment in the said City, is in my opinion (after making a fair allowance for losses and deficiencies in the collection of such Rate) required to produce a nett amount equal to that now due for interest, (principal, *if any be due*) and annuities forming part of the Consolidated Debt of this City.”

And such certificate shall have the like effect as a By-law of the Council of the said City lawfully imposing the Rate therein mentioned, and shall be obeyed and acted upon by all Officers of the Corporation and by all others, and the Rate therein mentioned shall be forthwith levied and paid accordingly, and in addition to any other Rates lawfully imposed by any By-law of the City Council, notwithstanding any provision in the Act hereby amended or in any other Act, limiting the amount of Rates to be imposed in any one year, or as to the time of the year at which Rates may be imposed, levied or collected ; and the proceeds of such Rate shall be applied first to the payment of the principal, interest and annuities, as the case may be, for the payment whereof the Rate was imposed, and if there be any surplus of the said proceeds, such surplus shall make part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the Corporation.

Duty of sheriff  
on receiving a  
writ of execu-  
tion against  
corporation  
for moneys  
forming part  
of the con-  
solidated debt.

IX. And be it enacted, That if hereafter at any time, any Sheriff shall receive a Writ of Execution, commanding him to levy any sum of money due by the said Corporation for the principal or interest of any Debenture or Corporation Bond forming part of the said Consolidated Debt of the said City or for arrears of any annuity forming part of the said Consolidated Debt, the Plaintiff may require, and the Court may order that such execution be levied by Rate ; and if such order be made, the Sheriff shall cause a copy of such Writ to be served upon the Treasurer of the said City : and if the money therein mentioned, with all the lawful interest and costs which the Sheriff is commanded to levy, be not paid within one month from the time of such service, the Sheriff shall himself calculate, as nearly as may be, what Rate in the pound upon the assessed annual value of the property liable to assessment in the said City, will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such Rate, be required to produce a nett amount equal to the sum, interest and costs he is commanded to levy, and ten per centum thereon in addition, and shall certify such Rate under his hand to the Clerk of the said City for the information of the Council thereof, in the manner and form *mutatis mutandis*, prescribed for the certificate of the Treasurer in the eighth section of this Act, and shall attach thereto his precept commanding the said Corporation and all officers whom it may concern, forthwith to cause the said Rate to be levied, and the proceeds thereof paid over to him ; and such certificate shall have the like effect as the certificate of the Treasurer, in the eighth section mentioned, and such precept shall be deemed an Order of the Court out of which the Writ issued, and shall be obeyed by the said Corporation, and by all Officers thereof, and others whom it may concern, on pain of their personal responsibility to the said Court ; and the rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any Rates lawfully imposed by any By-Laws of the City Council, or by any certificate of the City Treasurer, notwithstanding any provision in the Act hereby amended or in any other Act, limiting the amount of Rates to be imposed in any one year, or the time of the year at which Rates are to be levied and collected : and it shall be the duty of the Treasurer and Clerk, and of all Assessors, Collectors and other Officers of the said Corporation, to produce to the Sheriff, on his demand, all assessment books, papers and documents requisite for enabling him to fix the Rate mentioned in this section, and to give him any information or assistance which he may require for the purposes thereof, and all such Officers of the Corporation shall, for all the purposes of this section, be deemed Officers of the Court out of which the Writ issued, and amenable to and punishable by such Court accordingly, in case of any failure to perform any of the duties hereby assigned to them respectively ; and the proceeds of the said rate shall, by the Treasurer, be paid over to the said Sheriff, and by him applied to the satisfaction of



of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, the said surplus shall be paid back to the Treasurer and form part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the said Corporation.

X. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to impair or affect any special privilege or hypothec, granted by the Act hereby amended or by any other Acts, to the holder of any Debenture or Corporation Bond issued before the passing of this Act, forming part either of the said "General Debt," or of the said "Water Works Debt" of the said Corporation, or any remedy which, without this Act, any such holder would have to recover the principal or interest of such Debenture or Corporation Bond, or in any way to relieve the said Corporation from the obligation to make provision by all lawful means for the payment of the same ; and that no further provision which the Legislature of this Province may deem it expedient to make for enforcing the provisions of this Act, or the due payment of the principal and interest of any Debenture or Corporation Bond, whether issued before or after the passing of this Act, or of any annuity secured by any Corporation Bond, shall be deemed an infringement of the privileges of the said Corporation, or of any citizen or member thereof.

Proviso.  
Securities for  
preventing  
debt not to be  
impaired.

## C A P . X X V I I .

An Act to amend the Law relating to the Recorder's Court of the City of Montreal.

[10th November, 1852.]

**W**HEREAS it is desirable to amend the Act of the Parliament of this Province hereinafter mentioned in so far as relates to the Recorder's Court of the City of Montreal : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*,

Preamble.

Inconsistent  
enactments of  
14 & 15 V. c.  
128, repealed.

as

as is inconsistent with the provisions of this Act, be and the same is hereby repealed.

Court may be held with or without an Alderman.

II. And be it enacted, That it shall be competent for the Recorder for the said City of Montreal to hold the Recorder's Court of the City of Montreal with or without the assistance or in the presence or absence of any one or more of the Aldermen or Councillors of the said City.

Process need be signed only by the City Clerk.

III. And be it enacted, That it shall not be necessary that any Precept, Writ or Process to be issued out of the said Recorder's Court be signed by the Recorder of the said City of Montreal, or in the event of his absence or non-appointment, by the Mayor, Alderman or Councillor of the said City presiding in the said Court, and countersigned by the City Clerk of the said City, but it shall be sufficient that any such Precept, Writ or Process be signed by the City Clerk of the said City or his Deputy, as hereinafter mentioned.

City Clerk may appoint a Deputy as Clerk of Recorder's Court.

IV. And be it enacted, That it shall be lawful for the City Clerk of the said City of Montreal from time to time, by an instrument under his hand and seal to be acknowledged by him before and duly deposited and filed in the office of the said Recorder's Court, and entered and recorded in the Register thereof, to appoint one fit and proper person to be and act as his Deputy in the discharge of all and every his duties as Clerk of the said Recorder's Court, and to remove any person so appointed and appoint another in his stead; and each and every person so appointed shall at all times, while his said appointment shall remain in force and unrevoked, be to all intents and purposes a Clerk of the said Recorder's Court.

Recorder's Court may try cases of assault, &c., committed within the City.

V. And be it enacted, That it shall be lawful for the said Recorder's Court to hear, try and determine any case of common assault or assault and battery arising within the said City upon complaint of the party aggrieved praying the said Court to proceed therein under this Act, in the same manner and to the same effect and subject to the same provisions as any Justice of the Peace may by law now summarily hear, try and determine any complaint of any such offence, and also to hear, try and determine any complaint under the above cited Act against any person for assaulting or resisting any officer or constable appointed under the said Act in the execution of his duty, or for aiding or inciting any person so to assault or resist.



## CAP. XXVIII.

An Act to amend and explain the Act authorizing the issue of Debentures for giving relief to the City of Quebec.

[10th November, 1852.]

**W**HEREAS doubts have arisen as to the meaning of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act for enabling Her Majesty to direct the issue of Debentures to a limited amount, and for giving relief to the City of Quebec*, and it is necessary clearly to define the power and the manner of altering and increasing the security furnished by borrowers: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That whenever any real property hypothecated for the security of the payment of the sums due by any person to whom moneys have been advanced or loaned by the Government under the Act above cited, and of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-five, is or shall be alienated by private sale, or by any sale by authority of justice, it is and shall be lawful for the Governor if he shall see fit, to leave in the hands of the borrowers of the moneys in question, or of the purchasers of the real property hypothecated, the principal sum in respect of which Her Majesty shall hold a privilege or hypothec, during the remainder of the period for which the loan was originally effected, in the same manner, and at the same rate of interest and with the same security, or such other security, as the Governor in Council shall deem expedient.

Preamble.

When property hypothecated for any loan is sold, the price may be left in the hands of the vendor or of the purchaser on proper security.

II. That in all cases of applications for letters or judgment of confirmation of title, in case of the deposit of the price of sale or otherwise, the Governor in Council is and shall be authorized to leave in the hands of the borrowers of the moneys advanced or loaned as aforesaid, or of the purchasers of real property hypothecated for the payment thereof, the principal sum for which Her Majesty is or shall be a creditor, in the manner prescribed in the next preceding section.

The same in cases of confirmation of title.

III. That in the cases above mentioned, it is and shall be lawful for the Governor in Council, to return or cause to be returned, as a loan, the principal sums so received, or which Her Majesty would be entitled to receive, before the expiration of the time limited for the repayment of the original loan.

In such cases the money may be returned as a loan.

IV.

Crown to have the same privilege as for the original loan.

IV. For the recovery, security and payment of any sum which shall be advanced under this Act, and of the interest thereon, the Crown shall have the same recourse, rights, hypothecs and privileges, as are granted, under the Act above mentioned, for the security and payment of the sums advanced under the said Act, and shall be entitled to the same exemption from enregistration and other formalities therein mentioned.

## C A P . X X I X .

An Act to provide for the removal of the Registry Office of the County of Missisquoi from the place where it is now kept to a more central position.

[10th November, 1852.]

Preamble.

WHEREAS the Registry Office of the County of Missisquoi was fixed and is now held in the Village of Frelighsburgh, in the Seignior of St. Armand, the most southern part of the said County, and it is expedient for the general convenience of the population of the said County, to change the site of the said Registry Office, and to place it in a more central position; and whereas Dunham Flats, in the Township of Dunham, is the most central and convenient place for the majority of the inhabitants of the said County: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That on the first day of January, in the year one thousand eight hundred and fifty-three, the Registry Office for the County of Missisquoi shall be removed from the place where it is now held, and shall, from and after the said first day of January, be established and held at Dunham Flats, in the Township of Dunham, in the said County.

Registry Office to be removed on 1st Jan. 1853.

## C A P . X X X .

An Act to detach, for judicial purposes, the settlements of Sainte Anne-des-Monts and Cap-Chat from the District of Gaspé, and annex the same to the District of Kamouraska.

[10th November, 1852.]

Preamble.

WHEREAS by reason of the great distance of the settlements of Ste. Anne-des-Monts and Cap-Chat, included in and making part of the County and District of Gaspé, from the places in the said County and District whereat the Courts of



of Justice sit, and the want of a road of communication between those places, it is expedient, in conformity with the petition and prayer of the inhabitants of the aforesaid settlements, to detach the same from the aforesaid County and District of Gaspé, and for judicial purposes to place them under the jurisdiction of the nearest Courts, that is to say, the Superior Court, in the District of Kamouraska, and the Circuit Court, in the County of Rimouski : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the first day of January, one thousand eight hundred and fifty-three, the aforesaid settlements of Sainte Anne-des-Monts and Cap-Chat, hitherto included in and making part of the County and District of Gaspé, shall be and the same are hereby detached and withdrawn from the jurisdiction of the Courts in and for the County and District of Gaspé, and transferred and made subject to the respective jurisdictions of the Superior Court by law established in the aforesaid District of Kamouraska, and to the Circuit Court in the said County of Rimouski, according to the respective competencies of the said Courts ; and that the said settlements shall, for judicial purposes, hereafter form part of the said District of Kamouraska in and over which settlements the said Superior and Circuit Courts shall respectively, after the said first day of January next, have jurisdiction in as full and ample a manner in all respects as by law they have and may exercise within their respective jurisdictions, at the time of the passing hereof.

After 1st Jany. 1853, the settlements of St. Anne-des-Monts and Cap-Chat, to be within the jurisdiction of the courts for the District of Kamouraska and County of Rimouski.

II. And be it enacted, That all proceedings at law, civil and criminal, and all enregistrements or formalities thereunto appertaining, begun, existing and remaining to be done in the District of Gaspé, at the date above mentioned in any wise relative to the said settlements of Sainte Anne-des-Monts and Cap-Chat, or any land or lands therein, or to any inhabitant or inhabitants thereof, may lawfully be thereafter continued, proceeded upon, adjudicated, executed, perfected and certified, (with the same effect as if this Act had not been passed,) and that all Justices of the Peace for the said District of Gaspé, residing in the said settlements, shall respectively continue in office by virtue of this Act, in the same manner as if they had been appointed from the date aforesaid for the District of Kamouraska, as well as for the District of Gaspé.

Proceedings commenced may be continued and completed as if this Act had not been passed: Jurisdiction of Justices of the Peace residing in the said settlements.

III. Provided always, and be it enacted, That nothing in this Act contained shall be construed to interfere with the elective franchises of the freeholders of the said settlements of Sainte

Settlements to continue part of Gaspé

County for  
Electoral  
purposes.

Sainte Anne-des-Monts and Cap-Chat, entitled to vote for the election of a Member to represent the County of Gaspé in the Legislative Assembly of the Province, when and as often as the case may occur ; the said settlements, notwithstanding any thing in this Act contained, remaining, for electoral and Legislative purposes, as heretofore, parts of the County of Gaspé.

Act 12 Vic.,  
c. 126, not to  
be affected by  
this Act.

IV. Provided always, And be it enacted, That nothing herein contained shall be construed to repeal an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act detaching the settlements of Sainte Anne-des-Monts and Cap-Chat from the Municipality of Gaspé, and to erect the same into a separate Municipality*, nor to annul or alter any of the enactments or provisions thereof.

Public Act.

V. And be it enacted, That this Act shall be deemed a Public Act, and as such be judicially noticed by all Judges, Justices and others whom it may concern without being specially pleaded.

May be altered  
during this  
Session.

VI. And be it enacted, That this Act may be repealed, altered or amended during the present Session of Parliament.

## C A P . X X X I .

An Act to authorize the Governor General to issue a Proclamation to declare the County of Perth to be separated from the United Counties of Huron, Perth and Bruce, and for other purposes therein mentioned.

[10th November, 1852.]

Preamble.

12 V. c. 78.

Recital.

**W**HEREAS the Townreeves of the County of Perth, one of the United Counties of Huron, Perth and Bruce, have been duly constituted a Provisional Municipal Council for the said County of Perth, in pursuance of the Provisions of the tenth section of an Act of the Parliament of the Province of Canada, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require* ; And whereas the said Provisional Municipal Council has not complied with the terms of the fifteenth section of the said recited Act in time to enable a Proclamation to be issued under the provisions of the eighteenth section of the said recited Act, for disuniting the said County of Perth, so as such disunion should take effect on the first day of January next ; And whereas there is just reason for believing that such Provisional Municipal Council will make it appear to the satisfaction of the Governor of this Province in Council, prior to the said first day of January next, that the terms of the fifteenth section of the said recited Act have been complied with ;



with ; And whereas it is expedient to enable the Governor of this Province in Council thereupon to issue a Proclamation under the Great Seal of the Province, declaring the said County of Perth to be disunited from the said United Counties of Huron, Perth and Bruce : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so soon as the said Provisional Municipal Council of the said County of Perth shall make it appear to the satisfaction of the Governor of this Province in Council, that such property has been purchased or procured and such Court House and Gaol is erected, and the proportion of the debt, if any, to be assumed by the said County of Perth, shall have been adjusted or settled as provided by the fifteenth section of the said recited Act, and so soon as such appointments as are mentioned in the seventeenth section of the said recited Act shall have been made, it shall and may be lawful for the Governor of this Province in Council, by Proclamation under the Great Seal of the Province, at any time on or before the thirty-first day of December next after the passing of this Act, to declare the said County of Perth to be disunited from the said united Counties of Huron, Perth and Bruce, upon, from and after the first day of January next after the passing of this Act, and the said County of Perth shall thereupon, and upon, from and after the said first day of January next after the passing of this Act, be, for all judicial and municipal purposes, disunited from the said union of the Counties of Huron, Perth and Bruce, and the union of the said Counties of Huron, Perth and Bruce, for such purposes, shall thereupon, and upon, from and after the said first day of January next, after the passing of this Act, be absolutely dissolved to the like extent, and as effectually as if a Proclamation had been issued in pursuance of the provisions of the eighteenth section of the said recited Act, for disuniting the said County of Perth from the said union of the Counties of Huron, Perth and Bruce, upon, from and after the said first day of January next.

The Governor may, on being satisfied that certain things have been done, issue a proclamation disuniting the County of Perth from the union of which it now forms part

II. And whereas doubts have arisen as to the true boundaries of the Township of Brighton, under the provisions of the Act passed in the last Session of the Parliament of this Province, held in the fourteenth and fifteenth years of the reign of Her Majesty, intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada* ; For remedy thereof, Be it enacted, That it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of this Province, declaring and describing the

The Governor may fix the boundaries of the Township of Brighton.

the boundaries of the said Township of Brighton, and from and after the first day of January next after the teste of such Proclamation, the territory included within such boundaries shall be and is hereby declared to have been the Township of Brighton, as if the said description had been included in the said Act.

The Governor may divide St. Patrick's Ward in the City of Toronto into two Wards.

III. And whereas the Common Council of the City of Toronto, by their petition, have, for two successive years, prayed that St. Patrick's Ward in the City may be divided into two Wards: Be it therefore enacted, That it shall and may be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of this Province, dividing the said Ward into two Wards, and declaring by what names such Wards shall thenceforth be known and called, and from and after the first day of January next after the teste of such Proclamation, the said Wards so to be named and described in such Proclamation, shall be considered as separate Wards of the said City, in the same manner as if they had been originally mentioned and described as such separate Wards in the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and Elections shall be held in and for the said Wards on the first Monday in January next after the teste of such Proclamation, in the same manner as for any other Wards in the said City, and the persons whose names shall be entered on the Collector's Roll for St. Patrick's Ward for the year one thousand eight hundred and fifty-two, residing within each of such Wards respectively, at the time of holding the Elections therefor, and otherwise by law qualified to vote at Municipal Elections, shall be allowed to vote at the Election to be held in such Wards respectively, on the said first Monday in January.

## C A P . X X X I I .

An Act to authorize the City of Kingston to negotiate a Loan of Seventy-five Thousand Pounds to consolidate the City Debt, and for other purposes.

[10th November, 1852.]

Preamble.

**W**HEREAS the City of Kingston have petitioned to be authorized by law to borrow on the debentures of the said City, a sum not exceeding seventy-five thousand pounds, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower*



*Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the Corporation of the City of Kingston, to raise by way of Loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of seventy-five thousand pounds of lawful money of Canada.

City of Kingston authorized to borrow £75,000 on Debentures.

II. And be it enacted, That it shall and may be lawful for the Mayor of the said City of Kingston for the time being, to cause to be issued debentures of the said City, under the Corporation Seal, signed by the Mayor and counter-signed by the Chamberlain of the said City for the time being, in such sums, not exceeding in the whole the said sum of seventy-five thousand pounds, as the Common Council shall direct and appoint, and that the principal sum secured by the said debentures and the interest accruing thereon, shall be made payable either in this Province, in Great Britain or elsewhere, as the said Common Council shall deem expedient or necessary.

Form of Debentures.

III. And be it enacted, That so much of the said Loan so to be raised as aforesaid, as shall be necessary for the purpose, shall be applied by the said City of Kingston, in the payment of the debt due or to become due on account of the English Loan of twenty thousand pounds, sterling; the debt due the Commercial Bank of the Midland District, amounting to fourteen thousand pounds, currency, or thereabouts, and all such promissory notes, debentures and other debts as are now due and payable, including the sum of two thousand five hundred pounds hereinafter mentioned, and the remainder of the said loan, after paying off all the debts due by the said City, shall be applied in aid of any Rail-ways and macadamized Roads now or hereafter to be constructed, and leading to or from the City of Kingston, and for no other purpose whatever.

Part of the said Loan appropriated to certain purposes.

IV. And be it enacted, That the funds derived from the negotiation of the said debentures so to be appropriated as aforesaid, shall, when received, be deposited by the Chamberlain of the said City for the time being, in the Commercial Bank of the Midland District at Kingston, on such conditions as the said Common Council shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required for the payment and redemption of the said promissory notes, debentures and debts in the next preceding section of this Act mentioned.

Moneys raised to be deposited in Commercial Bank until required.

V. And be it enacted, That the sum of two thousand five hundred pounds of the said Loan so to be raised as aforesaid, shall be specially applied in payment of one hundred shares in the capital stock of "The Wolfe Island Rail-way and Canal Company,"

£2,500 to be applied to pay for certain Rail-road Shares.

Company," for which debentures have been given under authority of a By-Law of the Common Council of the said City, made in that behalf.

Council empowered to repeal a certain By-law

VI. And be it enacted, That for and notwithstanding any provision, clause, matter or thing contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Kingston, after having called in the debentures described in the next preceding section, to repeal the By-law of the said Council authorizing the same and declaring the levy of a special rate for the payment thereof, and also to repeal a certain other By-law of the said Common Council, if they shall see fit so to do, providing for the issue of debentures to the amount of one thousand pounds, for the improvement of "Division" and other streets, and levying a rate for the said one thousand pounds; and for the payment, satisfaction and discharge of the debentures issued by virtue of this Act, it shall and may be lawful for the Common Council of the said City, in a By-law to be passed authorizing the said Loan of seventy-five thousand pounds, or any part thereof, and the issuing of the debentures therefor, to impose a special rate per annum to be called, "The Consolidated Loan Rate," over and above, and in addition to all other rates to be levied in each year, which shall be sufficient to form a Sinking Fund of two per cent per annum for that purpose.

And to impose a special rate to form a Sinking Fund.

Sinking Fund how to be invested and managed.

VII. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Kingston, from time to time, to invest all sums of money raised by special rate for the Sinking Fund provided in the next preceding section, either in the debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, and to apply all such dividends or interest on the said Sinking Fund to the extinction of the debt created under this Act.

By-law authorizing the Loan not to be repealed until the loan be paid off.

VIII. And be it enacted, That any By-law to be passed under the sixth section of this Act, authorizing the said loan of seventy-five thousand pounds, or any part thereof, shall not be repealed until the debt created under this Act and the interest thereon shall be paid and satisfied, and that the one hundred and seventy-eighth section of the Municipal Corporations Act of Upper Canada shall extend to any By-law passed under this Act,



## CAP. XXXIII.

An Act to vest in the Corporation of the City of Hamilton, the "Gore" of King Street, for public purposes.

[10th November, 1852.]

**W**HEREAS in the original survey of the City of Hamilton, a vacant space of triangular form and known as "the Gore" of King Street, was left for the purposes of a Public Square : And whereas the Mayor, Aldermen, and Commonalty of the City of Hamilton, have, by their Petition, prayed that authority may be given them to erect public buildings on the said land, or otherwise enclose, ornament, or dispose of the same as to them in their discretion may seem meet : And whereas it is expedient to grant the prayer of the said Petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Hamilton, and their successors, and they are hereby empowered to erect and build upon the said piece of land (which is bounded on the West by James Street, and on the East by Catherine Street), such public building or buildings as they may think necessary, or to enclose the same for the purposes of a Public Square, and to ornament and improve it for such purposes, or otherwise to use and dispose of the said tract of land as the said Mayor, Aldermen, and Commonalty of the City of Hamilton may in their discretion think most advisable : Provided always, that nothing in this Act contained, shall in any manner affect or prejudice any claim which Robert J. Hamilton, eldest son and heir at law of the late George Hamilton, shall or may have in law or equity to the piece or parcel of Land above described ; and in the event of the said Robert J. Hamilton advancing any claim for compensation in consequence of this Act or any thing to be done thereunder, the amount thereof shall be fixed and determined by arbitrators to be chosen, one by the said Corporation, another by the said Robert J. Hamilton, and a third to be named by them, the said arbitrators, before entering into the said reference, and their award or the award of any two of them shall be final : Provided also, that nothing in this Act contained, shall be construed as an admission of any claim or right in the said Robert J. Hamilton in the said tract of land.

Preamble.

Corporation of Hamilton may enclose the Gore.

Proviso : as to any right of R. J. Hamilton.

Further Proviso.

## CAP. XXXIV.

An Act to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations.

[10th November, 1852.]

Preamble.

Union dissolved on and after 1st Jan. 1853.

WHEREAS the union of the Townships of East Tilbury and Romney is most inconvenient for the inhabitants of Romney, the two Townships being separated by an extensive marsh, and no mutual local interest existing between them: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That upon, from and after the first day of January, one thousand eight hundred and fifty-three, the union of the said Townships shall be dissolved, and each of them shall be a separate Municipality by itself, notwithstanding that either of them may not then have one hundred resident freeholders and householders on the Collector's Roll; and that all the provisions of law in that behalf shall apply to the said Townships, as if they had been separated in consequence of each of them having been found to contain one hundred resident freeholders and householders on the Collector's Roll.

## CAP. XXXV.

An Act to enlarge and extend the powers granted by the Act 12 Vict., chap 81, so as to enable the Municipal Council of the Township of Stamford, to make By-laws for the better government of that part of the said Township, which lies in the immediate vicinity of the Falls of Niagara.

[10th November, 1852.]

Preamble.

12 Vic. c. 81.

WHEREAS the rapid increase in the number of visitors at the Falls of Niagara, demands more stringent provisions than now by law exist in respect to licensing the owners of horses, carriages, and hackney coaches kept for hire, and of runners and other persons soliciting visitors to resort to taverns or public places, or acting as guides to the objects of curiosity in the vicinity thereof, and for compelling the prompt payment of their lawful charges therefor, and generally for the better government of the said vicinity; And whereas there is reason to believe that the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine does not confer upon the Municipal Corporation within whose jurisdiction the said



said Falls of Niagara are situate, the requisite powers to make such rules and regulations as now are or may be from time to time required for the purposes aforesaid ; And whereas it is desirable that such powers should be possessed by the said Corporation : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Municipal Corporation of the Township of Stamford, and they are hereby authorized and empowered, in addition to the powers which they now by law possess, from time to time to make, repeal, alter and enforce By-laws, rules and regulations, to take and have effect only within such limits within such Township as they shall from time to time prescribe, for the several purposes following, that is to say :

Powers of  
Municipal  
Corporation of  
Stamford ex-  
tended for cer-  
tain purposes.

1. To prohibit any person or persons from soliciting passengers, visitors, or others to resort or go to any inn, tavern, or boarding house, museum, or other place of resort, without having first obtained from the said Corporation a license therefor.

Licensing Ta-  
vern Runners.

2. To prohibit all persons from acting as guides within such limits as aforesaid, unless a license therefor shall in like manner be taken out for that purpose.

And Guides.

3. To regulate and license the owners of livery stables, horses, cabs, hackney coaches, omnibuses, carts, and other carriages and vehicles used for hire within such limits as aforesaid, and to compel in a summary way the prompt payment of the lawful price or hire to the owner or driver of such horses, cabs, hackney coaches, omnibuses, carts and other carriages by the parties hiring or using the same, according to such tariff as may be established from time to time by the said Corporation, and to prevent runners, stage drivers and others, in the streets or public places, from soliciting and teasing passengers and others to go or travel in any boat, vessel, stage, carriage or other vehicle ; also to require all persons licensed by the said Corporation to exhibit, when called upon, a certified copy of the tariff of charges for their remuneration prescribed by the said Corporation.

And Keepers  
of livery  
stables, hor-  
ses, &c., kept  
for hire.

Preventing,  
&c., Passen-  
gers from  
being impor-  
tuned.

4. Generally to make, alter and repeal all such other rules, regulations and by-laws for the welfare and good government of the said Municipality, within the limits so to be prescribed as aforesaid, as the said Corporation shall from time to time deem expedient ; such by-laws not being repugnant to the laws of the said Province.

Making By-  
laws general-  
ly.

Granting  
licenses.

Proviso.

-5. To grant all such licenses and to make all such by-laws and regulations as may be necessary and proper for carrying into execution the powers herein vested or hereafter to be vested in the Corporation of the said Township: Provided always, that no person shall be subject to be fined more than Five Pounds, exclusive of costs, or to be imprisoned more than twenty days, for the breach of any By-law or regulation of the said Corporation made in pursuance of this Act.

How license  
moneys to be  
expended.

II. And be it enacted, That the moneys to be raised from the granting of the said licenses shall be expended under the direction of the said Municipal Corporation within the limits so to be prescribed as aforesaid, in repairing the roads and making such other improvements as the said Municipal Council may consider advisable.

## CAP. XXXVI.

An Act to legalize and continue *The Municipal Corporation of the Township of Torbolton.*

[10th November, 1852.]

Preamble.

WHEREAS there are within the County of Carleton conflicting opinions as to whether the Township of Torbolton, in the said County, is or is not under the provisions of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, the Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty, and the Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty-one, a lawfully constituted Municipal Corporation by itself; And whereas for divers reasons it is the unanimous wish of the Council of the said County, as set forth in the Petition from said Council to the Provincial Parliament in its present Session, that the said Township of Torbolton should be legalized and continued and constituted beyond all doubt a Municipal Corporation by itself, enjoying the same rights and performing the same functions as the several other Municipal Corporations of Townships within the said County; And whereas it is expedient and necessary for the safe government of the said County and of the said Township that all doubts on the above subject should be removed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Township of Torbolton is and shall be and shall have been a Municipal Corporation by itself; and all

Township of  
Torbolton de-

Acts



Acts and Deeds hitherto done by the Municipality of the said Township in their character as such, as also all Acts and Deeds hitherto done whether by the Municipality of the adjoining Township of March as a Municipality, or by the County Council of the County of Carleton arising from the assumption of Torbolton to Municipal Jurisdiction, shall be held to be as valid and effectual as the Acts and Deeds done by any other Municipality within the same County, not otherwise unlawful; Provided always that this Act shall not be pleaded in any suit at Law or in Equity begun or pending before the passing of this Act.

clared to be  
and to have  
been a Muni-  
cipal Corpora-  
tion.

Proviso.

## C A P . X X X V I I .

### An Act to incorporate the Grand Trunk Rail-way of Canada.

[10th November, 1852.]

**W**HEREAS the construction of a Rail-way from the City of Toronto to the City of Kingston, and thence to the City of Montreal, would greatly tend to promote the welfare of this Province; And whereas the persons hereinafter mentioned are desirous of associating themselves together as a Company for the purpose of constructing such Rail-way, and that they and their successors and assigns, shareholders in such Rail-way, may be incorporated and invested with such powers as may enable them effectually to carry out their undertaking, and it is expedient to accede to their request: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable Peter McGill, of the City of Montreal, the Honorable George Pemberton, of the City of Quebec, Thomas G. Ridout and John George Bowes, of the City of Toronto, Esquires, William Price, of the City of Quebec, Esquire, John Shuter Smith, of the Town of Port Hope, Esquire, Henry LeMesurier, of the City of Quebec, Esquire, Andrew Jeffrey, of the Town of Cobourg, Esquire, James Bell Forsyth, of the City of Quebec, Esquire, William Hamilton Ponton, of the Town of Belleville, Esquire, William Rhodes, of the City of Quebec, Esquire, David Roblin, of the City of Kingston, Esquire, William Matthie, of the Town of Brockville, Esquire, George Beswick, of the City of Quebec, Esquire, Chauncey H. Peck, of the Town of Prescott, Esquire, Thomas Ryan, of the City of Montreal, Esquire, John Counter, of the City of Kingston, Esquire, Roderick McDonald, of the Town of Cornwall, Esquire, George Etienne Cartier, of the City of Montreal, Esquire,

Preamble.

Certain persons incorporated.

Corporate  
name.

Rail-way des-  
cribed.

Proviso.

Esquire, Henry Chapman, of the City of Montreal, Esquire, Alexander Tilloch Galt, of the Town of Sherbrooke, Esquire, Luther Hamilton Holton, and David Lewis McPherson, of the City of Montreal, Esquires, and Henry Mather Jackson, of the City of London, Esquire, together with such person or persons as shall, under the provisions of this Act, become proprietors of any share or shares in the Rail-way hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the said Rail-way, are, and shall be a Company, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one Body Politic and Corporate, by the style and title of *The Grand Trunk Rail-way Company of Canada*; and the said Company shall be and are hereby authorized and empowered, from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Grand Trunk Rail-way of Canada*, from the City of Toronto through the Towns of Port Hope, Cobourg and Belleville, to the City of Kingston, thence by the route they may find most practicable, through the Towns of Brockville and Prescott, to a point in the Eastern boundary line of the Township of Osnabruck, thence, in as nearly a direct line as may be practicable, to St. Raphael's, and thence to the River Ottawa, and across the said River to a point between the Lake of the Two Mountains and the Village of St. Anne's, and thence to the City of Montreal by such line as the said Company may deem most advantageous; but the different sections of the said road may be made at the same time or in such order as the Company may think proper; Provided always, that if the Governor shall, after actual survey, ascertain that the interests of the Province would be promoted by the adoption of any other route between Kingston and Montreal, the said Company shall construct the said Rail-way on the line selected by the Governor after such survey.

Certain clauses of 14 and 15 V. c. 51, incorporated with this Act.

Certain of the said clauses modified.

II. And be it enacted, That the several clauses of *The Rail-way Clauses Consolidation Act*, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors—their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties and their prosecution," "Working of the Rail-way," and "General Provisions," shall be incorporated in this Act, with the following modification of the ninth provision in the clause of the said Act, with respect to "Plans and Surveys," that is to say: that lands to the extent of twenty acres may be taken for stations, depots or fixtures in any City or Town containing more than five thousand inhabitants, without the consent of

the



the proprietor thereof : and with the exception of the sixth provision in the clause of the said Act with respect to "General Provisions," in lieu of which it is hereby enacted, that in the event of the Rail-way hereby authorized to be made, not being commenced within one year from the date of the passing of this Act, or not being completed before the first day of January, one thousand eight hundred and fifty-seven, it shall be lawful for the Governor in Council, by Proclamation, to revoke the Charter contained in this Act, and the same shall thereupon become and be null and void and of no effect whatever, in so far as regards so much of the Rail-way hereby authorized to be made, as shall not at the date of the said Proclamation be completed and open for public use : and with the further exception of any enactments in the said clauses which may be inconsistent with the express provisions and enactments of this Act, in like matters : And the expression "this Act" when used herein shall be understood to include all the clauses of *The Rail-way clauses consolidation Act* which are incorporated with this Act.

III. And be it enacted, That the Gauge of the said Rail-way shall be five feet six inches ; and the fare or charge for each First Class Passenger by any train on the said Rail-way, shall not exceed two pence Currency for each mile travelled, the fare or charge for each Second Class Passenger by any train on the said Rail-way, shall not exceed one penny and one half penny Currency for each mile travelled, and the fare or charge for each Third Class Passenger by any train on the said Rail-way, shall not exceed one penny Currency for each mile travelled ; and that at least one train having in it third Class Carriages shall run every day throughout the length of the Line.

Gauge.  
Passenger  
Fares limited.

IV. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing of the said Rail-way and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way and other works, provided such sum do not exceed the sum of Three Million Pounds sterling ; and the sum so raised shall be the Capital Stock of the said Company, which shall be divided into shares of Twenty-five pounds sterling each ; and each of the persons hereinbefore mentioned, shall be entitled to an equal number of shares in the amount of stock above mentioned if he shall choose to take the same, and if he shall not choose to take the same, then the shares to which he is entitled but shall not choose to take, shall be equally divided among the others if they choose to take them, and so on till each shall have taken the number of shares to which he may be entitled and shall choose to take, and which he shall before the first day of December, one thousand eight hundred

Capital may  
be raised.  
Amount  
limited.  
Allotment of  
Shares.

hundred and fifty-two, declare to the Directors hereinafter mentioned, his intention to take ; and the said Directors shall issue to each of the persons aforesaid respectively, certificates under the Common Seal of the Company, of the number of shares to which he is entitled and shall have taken, and he shall then be the legal owner of such shares, and invested with all the rights and subject to all the liabilities of a Shareholder in respect of such shares ; and if there be any surplus of shares after each of the said persons shall have received his certificate for those to which he is entitled and shall have taken, the said Directors or their successors in office, shall, on or after the day last aforesaid, dispose of and assign the same to such persons, at such times, and in such manner as they shall think most for the advantage of the Company, and shall deliver certificates as aforesaid to the persons to whom they shall be assigned, who shall thereupon become the legal owners of such shares and invested with all the rights and subject to all the liabilities of a Shareholder in respect of such shares ; and each person to whom any share or shares shall be assigned, shall, on receiving the certificate therefor, sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors and shall be evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid ; and if any share or shares be disposed of by the Directors at a premium, such premium shall go to the Company as part of the profits ; And whenever the said Company shall determine to raise any further amount of capital, not exceeding together with the amount previously raised, the said sum of Three Millions Sterling, the same may be raised either by the then Shareholders of the Company among themselves or by the admission of new Shareholders, and in such manner as shall be determined by By-laws to be passed for the purpose ; and to the holders of any such additional stock, Certificates shall be issued in the manner aforesaid by the Directors for the time being, and acknowledgments shall be signed by the persons taking such stock, and such certificates and acknowledgments shall have the like effect in law as those hereinbefore mentioned ; and the word "person" in this Section shall include and apply to any body corporate or politic, whether municipal or otherwise, or other party who may lawfully hold shares in the stock of the said Company.

Directors.

V. And be it enacted, That the number of Directors of the said Company shall be eighteen, of whom nine shall (after the Directors hereinafter named shall go out of office,) be elected by the Shareholders in the said Company, who shall have respectively paid up all calls upon the shares held by them in the Stock of the said Company, and nine shall be appointed by the Governor of this Province in consideration of the guarantee of the Province to be extended to the said Company, and to represent the interest of this Province in the undertaking, and such Directors shall hold office during the pleasure of the Governor :



Governor : Provided always, that the said Peter McGill, George Pemberton, Henry LeMesurier, James Bell Forsyth, William Rhodes, Henry Mather Jackson, Thomas G. Ridout, William Hamilton Ponton and William Matthie, shall be and are hereby constituted Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute, with the nine Directors to be appointed by the Governor, the Board of Directors of the said Company, and shall with them have and exercise all the powers vested in such Board.

First Directors appointed.

VI. And be it enacted, That the Capital Stock of the said Company, is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto ; and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Rail-way, and other the purposes of this Act, and to no other use, intent or purpose whatsoever.

Application of Capital.

VII. And be it enacted, That the shares in the Capital Stock of the said Company shall be deemed personal estate, and shall be transferable as such, and shall be and are hereby vested in the said original Shareholders and their several and respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally pay thereupon ; and all and every the bodies politic, corporate or collegiate or communities, and all and every person or persons, their several and respective heirs, successors, executors, curators, administrators and assigns, who being such Shareholders, shall pay the sum of twenty-five pounds, sterling, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held, and every body politic, corporate or collegiate or community, person or persons, having such property of one part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in the manner by this Act directed and appointed.

Shares to be personalty, &c.

Share of each Stock-holder in the profits.

VIII. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Shareholders of the said Company are to be

Proportion of votes to shares.

be given, shall be similar to the number of shares held by him or her not exceeding one hundred, and that absent Shareholders may vote by proxy.

First General Meeting.

IX. And be it enacted, That the first General Meeting of the Shareholders under this Act may be held at such time and at such place in this Province as the Directors may appoint, after not less than fifteen thousand shares in the Stock of the said Company shall have been taken and certificates issued and acknowledgments received by the Directors therefor, provided that public notice thereof be given during one month in the *Canada Gazette*, and in at least one other paper published in each of the Cities of Toronto, Kingston, Montreal and Quebec, respectively; and at such first General Meeting the Shareholders assembled who have paid up all calls on the Stock held by them respectively, together with such proxies as shall be present, shall elect nine persons, being each a Shareholder of twenty-five or more shares in the said undertaking, who, with the Directors appointed by the Governor, shall be the Directors of the said Company; and the nine persons so elected shall remain in office until the then next Annual General Meeting of the Shareholders, and until others shall be elected in their stead, subject always to the provisions of this Act as to the vacation of the office of Director, and the mode of filling any vacancy.

Annual General Meetings.

X. And be it enacted, That in the month of September in each year, or on such other day in each year as may be appointed for the purpose by the By-laws of the Company, an Annual Meeting of the Shareholders of the said Company shall be held for the Election of Directors in the room of those whose office may at that time become or be vacant, and generally for the transaction of the business of the Company; and if at any time it shall appear to any Five or more of such Shareholders, holding together or representing as proxies two thousand shares at least, on which all calls shall have been paid up, that for more effectually putting this Act in execution, a Special Meeting of Shareholders is necessary to be held, it shall be lawful for such five or more of them to cause forty days' notice at least to be given thereof in the *Canada Gazette* and in any other paper in each of the Cities of Toronto, Kingston, Montreal and Quebec, or in such manner as shall be provided by the By-laws of the Company, specifying in such notice the time and place and the reason and intention of such Special Meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given to them, with respect to the matters specified in such notices only; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principal or proxies less than two thousand shares, shall be as valid to all intents and purposes

Special General Meetings.



purposes as if the same were done at General Meetings ; Provided always, that it shall and may be lawful for the said Shareholders at such Special Meetings, in case of the death, absence, resignation or removal of any person or persons elected by the Shareholders as a Director or Directors of the said Company, to elect another or others in the room or stead of those Directors who may die or be absent, resign or be removed as aforesaid ; any thing in this Act to the contrary notwithstanding.

Proviso : as to filling vacancies among Directors.

XI. And be it enacted, That of the nine elective Directors three shall retire from office at the Annual Meeting of the Shareholders next after their election, and three at the annual Meeting next following ; and at every Annual Meeting thereafter, those three Directors shall retire who have been longest in Office, and other Directors shall, at each Annual Meeting, be elected by the Shareholders in place of those so retiring, the order of retirement of the said first elected nine Directors being decided by lot ; but the Directors then or at any subsequent time retiring shall be eligible for re-election : Provided always, that no such retirement shall have effect, unless the Shareholders, at such Annual General Meeting, proceed to fill up the vacancies thus occurring in the Direction.

Order of retirement of Directors.

Proviso.

XII. And be it enacted, That at any Meeting of the Directors of the said Company, Six Directors and not less, of whom not less than three shall be Government Directors, shall be a *quorum* for the transaction of business, and any majority of such *quorum* shall be competent to exercise all and any of the powers hereby vested in the said Directors of the said Company.

Quorum of Directors.

XIII. And be it enacted, That the Directors of the said Company may vote by proxy, such proxies being themselves Directors, and appointed in the following form or to the like effect : " I hereby appoint of  
" Esquire, one of the Directors of the *Grand Trunk Rail-way Company of Canada*, to be my proxy as a Director of the said Company, and as such proxy to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director if personally present at any such meeting. A. B., *Signature*."

Proxies.

But no Director shall act as proxy for more than three other Directors.

XIV. And be it enacted, That the Stock Qualification of Shareholders to be elected Directors of the said Company, shall be twenty-five Shares, of twenty-five pounds sterling each, of the Capital Stock ; but any person may be appointed a Director by the Governor whether he be so qualified or not, or whether he be or be not a Shareholder.

Qualification of Directors.

Directors  
may appoint  
Agents.

XV. And be it enacted, That the Directors of the said Company may appoint such and so many Agents in this Province, or in any other part of Her Majesty's dominions, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower and authorize any such Agent or Agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making By-laws ; and all things done by such Agent or Agents by virtue of the powers in him vested by any such By-law, shall be as valid and effectual to all intents and purposes as if done by such Directors themselves ; any thing in any part of this Act to the contrary notwithstanding.

Auditors to be  
appointed.

XVI. And be it enacted, That the Shareholders shall, at every such Annual General Meeting, appoint three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking by the Treasurer, Receiver and Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking.

Calls limited.

XVII. And be it enacted, That no call of money from the Shareholders shall exceed the sum of Five Pounds Sterling per Share of Twenty-five Pounds Sterling.

English rules  
of Evidence to  
apply in L. C.

XVIII. And be it enacted, That in all actions or suits at law by or against the Company, or to which the said Company may be a party, instituted in Lower Canada, recourse shall be had to the Rules of Evidence laid down by the Laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Shareholder shall be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a Shareholder.

Proceedings  
when attach-  
ments or  
orders for *faits*  
*et articles* are  
served on the  
Company.

XIX. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for the President, or for the Secretary or the Treasurer thereof, in any such case, to appear in obedience to the said Writ, to make the Declaration by law required according to the exigency of each case, which said Declaration, or the Declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada as the Declaration of the Company ; and in causes in which Interrogatories *sur faits et articles* or the *serment décisoire* may be served upon or required of the Company, the Directors shall have the power, by a Vote or Resolution, entered among the Minutes of the Proceedings of any Meeting, to authorize the President, Secretary or Treasurer to appear and answer such Interrogatories, or take or refer such *serment décisoire* ; and the answers on Oath of the President, Secretary or Treasurer, so authorized, shall be held and taken

to



to be the answers on Oath of the Company to all intents and purposes as if the formalities by law required had been complied with; and the production of a copy of any such Resolution, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

XX. And be it enacted, That it shall be lawful for the said Company with the consent of the Governor in Council, to take and appropriate for the use of their said Rail-way, but not to alienate, so much of the land covered with the waters of any Lake, River, Stream or Canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works as to the said Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal, to or across or along which their Rail-way shall be carried; and if the said Rail-way shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the River, or over the Canal, and shall be subject to such Regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, and the same shall have been approved by him in Council as aforesaid.

Company may take lands covered with water, &c.

Proviso: Navigation not to be impeded.

Further provision.

XXI. Provided always, and be it enacted, That in constructing any Bridge or Bridges for connecting the Island of Montreal with the main land in the County of Vaudreuil, the said Company shall be authorized, if they see fit, so to construct such Bridge or Bridges, as to provide for the passage of all ordinary vehicles, animals and foot passengers over the same, and shall allow all such vehicles, animals and passengers to pass over the same, on payment of such tolls as shall be fixed by the By-laws of the Company, approved by the Governor in Council, and subject to the same provisions as other By-laws of the Company fixing the tolls to be taken by them.

Bridge at Vaudreuil.

XXII. And be it enacted, That by any Regulations to be made by the Governor in Council, touching any such draw-bridge or swing-bridge as aforesaid, penalties, not exceeding Ten Pounds in any case, may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company or from any of their Officers or Servants by whom the Regulations shall have been contravened; to be recovered and applied in manner provided as to other penalties by this Act.

Penalties may be imposed for certain purposes.

XXIII.

Company  
may be party  
to Bills of Ex-  
change, &c.

XXIII. And be it enacted, That the said Company shall have power to become a party to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds Currency, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, or by any Agent or Agents thereunto authorized, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such Promissory Note or Bill of Exchange, nor shall the President, Vice-President, Secretary or Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any Note payable to the bearer thereof, or any Promissory Note intended to be circulated as Money or as the Notes of a Bank.

Proviso.

Communities  
may lend  
money to  
Company.

XXIV. And be it enacted, That if at any time any Municipal or other Corporation, Civil or Ecclesiastical, Body Politic, Corporate or Collegiate, or Community in this Province, shall be desirous of taking Shares of the Capital Stock of the said Company, or of otherwise promoting the speedy completion of the said Rail-way, by loans of money or securities for money at interest, or *à constitution de rente*, it shall be lawful for them respectively so to do in like manner and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act; any thing in any Ordinance or Act, or Instrument of Incorporation of any such body, or in any Law or usage to the contrary notwithstanding.

As to Lands  
required from  
Ecclesiastics  
of St. Sulpice.

XXV. And be it enacted, That should the said Company require to purchase from the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, any land either on the Lachine Canal or on the River Saint Lawrence, or in any other place, for the purposes of the said Rail-way, it shall be lawful for the said Ecclesiastics to sell and convey the same to the said Company, without advertizing and offering the said land for public sale, and without any other formality than is provided by this Act.

Her Majesty  
may take the  
Rail-way  
after a certain  
time, and on  
certain condi-  
tions.

XXVI. And be it enacted, That it shall be lawful for the Governor in Council, at any time after the expiration of twenty-one years, from and after the first day of January next after the passing of this Act, to purchase the said Rail-way, with all its Hereditaments, Stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three months' notice in writing of his intention, and upon payment of a sum equal to twenty years purchase of the annual profits divisible upon the subscribed and paid up  
Capital



Capital Stock of the said Rail-way, estimated on the average of the seven then next preceding years : Provided that the average rate of profits for the said seven years shall not be less than the rate of ten pounds in the hundred ; and the Company, if they shall be of opinion that the said rate of twenty years purchase of the said average profits is an inadequate rate of purchase of such Rail-way, reference being had to the prospective profits thereof, may require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company ; Provided also, that such option of purchase shall not be exercised, except with the consent of the Company, while any Order in Council, reducing the tolls fixed and regulated by any By-law of the said Company, shall be in force.

Proviso.

Proviso.

XXVII. And be it enacted, That from and after the commencement of the period of seven years next preceding the period at which the said option of purchase will become available, full and true accounts shall be kept by the Directors of the said Company, of all sums of money received and paid on account of the said Rail-way, and the said Company shall once in every half year, during the said period of seven years, cause a half yearly account in abstract to be prepared, shewing the total receipt and expenditure on account of the said Rail-way, for the half year ending on the thirtieth day of June and on the thirty-first day of December respectively, under distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified, under the hands of two or more of the Directors of the said Company, and shall send a copy of such account to the Inspector General, on or before the last days of August and February respectively ; and it shall be lawful for the Governor in Council, if and when he shall think fit, to appoint any proper person or persons to inspect the accounts and books of the said Company during the said period of seven years ; and it shall be lawful for any person so authorized, at all reasonable times, upon producing his authority, to examine the Books, Accounts, Vouchers, and other Documents of the Company at the Principal Office or place of business of the Company, and to take Copies or Extracts therefrom.

Accounts to be kept by the Company.

XXVIII. Provided always, and be it enacted, That for and notwithstanding any thing to the contrary in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide for affording the Guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Rail-way*, or in the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province*, the Guarantee of the Province shall not be given to the Company incorporated

Amount of guarantee by the Province limited.

incorporated by this Act, or in respect of the Rail-way hereby authorized to be constructed, to an amount exceeding the sum of three thousand Pounds sterling, for every mile in length of the said Rail-way: but provided the limits above mentioned be not exceeded, the said Guarantee may, notwithstanding any thing to the contrary in the said Acts, be given to the extent of Forty Thousand Pounds sterling, so soon as it shall be ascertained by the Report of any Engineer or Engineers to be appointed for that purpose by the Governor of this Province, that One Hundred Thousand Pounds sterling has been actually, and with due regard to economy, expended on the said Rail-way by the said Company, in work or materials delivered on the ground or both conjointly; and whenever it shall be ascertained in like manner that another sum of One Hundred Thousand Pounds sterling has been so expended as aforesaid, then the Guarantee of the Province may be given for another sum of Forty Thousand Pounds sterling, and so on *toties quoties* until such Guarantee shall have been given to the whole extent hereby before limited: Provided always, that such Guarantee shall, except in so far as otherwise provided by this Section, be subject to all the provisions of the Act first cited in this section as amended by that secondly cited therein, and may, under the provisions of the twenty-second section of the Act last mentioned, be given by issuing and delivering to the said Company Provincial Debentures for the amount to be guaranteed, in exchange for the Bonds of the Company, to which Bonds all the provisions of the said section and of the said Acts shall apply.

Proviso.

Company may  
renounce the  
Guarantee.

XXIX. Provided always, and be it enacted, That the said Company may by any By-law to be passed for that purpose, and assented to and confirmed by a majority of votes of the Shareholders at a Special General Meeting thereof to be called for the purpose of considering such By-law, renounce the benefit of the guarantee mentioned in the next preceding Section; and if such By-law be so passed, assented to and confirmed, and a copy thereof duly certified be delivered to the Provincial Secretary, then the said guarantee shall not be thereafter given, and if at the time of the delivery of the copy of such By-law to the Provincial Secretary, the said guarantee shall not have been given to the said Company, the nine Directors appointed by the Governor shall go out of office, and no others shall be appointed in their stead; and if the said guarantee has been given to the said Company before a copy of such By-law shall be delivered to the Provincial Secretary, then as soon thereafter as all the Bonds or Debentures of the said Company to which the said guarantee has been given, and all Provincial Debentures delivered to the said Company in exchange for their Bonds, shall have been delivered up to the Receiver General to be cancelled, so that the Province shall be relieved from all responsibility or liability arising out of the said guarantee, then the said nine Directors shall go out of office and



no others shall be appointed in their stead ; And when the said nine Directors shall so go out of office under this Section, the nine elective Directors, and their successors in office, shall thenceforth be the sole Directors of the Company, and have and exercise all the powers hereby conferred on the Directors thereof.

## C A P . X X X V I I I .

An Act to provide for the incorporation of a Company to construct a Rail-way from opposite Quebec to Trois-Pistoles, and for the extension of such Rail-way to the Eastern Frontier of this Province.

[10th November, 1852.]

**W**HEREAS it is highly-desirable that the Main Trunk Preamble.  
Line of Rail-way, for the construction of which from the

Western Limits of the Province to a point opposite the City of Quebec, Companies have been incorporated by Acts of the Legislature of this Province, should be continued from such point as aforesaid to the Eastern Limits of the Province : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same,

That whenever any number of persons not less than eighteen shall, by Petition to the Governor of this Province, represent that they have agreed together to form a Company for the purpose of constructing the Rail-way hereinafter mentioned, and that they have agreed among themselves to take Stock in the Capital of such Company to an amount not less than one hundred thousand pounds sterling, and that they have good reason to believe and do believe that with the benefit of the guarantee of this Province, and other advantages hereinafter mentioned, they will be able to raise the necessary funds and to complete the said Rail-road, then it shall be lawful for the Governor to enquire into the matter, and if he shall be satisfied that the said persons are of good standing and repute, and that they *bonâ fide* intend to subscribe among them at least the sum aforesaid, and that there is good reason to believe that they will raise the necessary funds and complete the said Rail-way, and that it will be for the advantage of this Province that they should be incorporated for the purpose of making the same, then it shall be lawful for him to issue a Proclamation under the Great Seal of this Province, declaring such persons, together with such others as shall, under the provisions of this Act, become proprietors of any share or shares in the Rail-way by this Act authorized to be made, their several and respective heirs, executors, administrators, curators and assigns,

The Governor may by proclamation incorporate a company, on certain conditions.

Corporate  
name and  
powers.

Line of Rail-  
way des-  
cribed.

Rail-way to  
form part of  
the Main  
Trunk Line.

Certain  
clauses of 14  
& 15 Vict. c.  
51, incor-  
porated with  
this Act.

Exception to  
provisions of  
the said  
clauses.

Further ex-  
ception.

assigns, being proprietors of any share or shares in the said Rail-way, to be a body politic and corporate for all the purposes of this Act, by the name of *The Grand Trunk Rail-way Company of Canada East*; and the said Proclamation shall have effect according to the tenor thereof, and the said Company shall from the date thereof be incorporated accordingly; and the said Company shall be and they are hereby authorized and empowered from and after the issuing of the said Proclamation, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Grand Trunk Rail-way of Canada East*, from some point on the Quebec and Richmond Rail-way, opposite or nearly opposite to the City of Quebec, on the South shore of the River St. Lawrence, to Trois-Pistoles, with such branches to any point or points on the said River as they may find necessary or convenient, and the said Rail-way and branches shall be made upon such line or lines as the said Company shall, after actual survey, determine upon with the consent of the Governor in Council: and the said Rail-way (but not the branches thereof) shall form part of the Main Trunk Line of Rail-way throughout the length of this Province, and the guarantee of the Province shall be extended to the said Company accordingly, subject to the provisions hereinafter made.

II. And be it enacted, That the several clauses of *The Rail-way Clauses Consolidation Act*, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors—their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties and their prosecution," "Working of the Rail-way," and "General Provisions," shall be incorporated in this Act, with the following modification of the ninth provision in the clause of the said Act, with respect to "Plans and Surveys," that is to say: that lands to the extent of twenty acres may be taken for stations, depots or fixtures at such three places on the line of the said Road as the Company may think proper, without the consent of the proprietor thereof: and with the exception of the sixth provision in the clause of the said Act with respect to "General Provisions," in lieu of which it is hereby enacted, that in the event of the Rail-way hereby authorized to be made, not being commenced within two years from the date of the Proclamation incorporating the said Company, or not being completed within six years from the date of the said Proclamation, it shall be lawful for the Governor of this Province, by Proclamation, under the Great Seal thereof, to revoke the Charter contained in this Act, and the same shall thereupon become and be null and void and of no effect whatever, in



so far as regards so much of the Rail-way hereby authorized to be made, as shall not at the date of the said Proclamation be completed and open for public use; and with the further exception of any enactments in the said clauses which may be inconsistent with the express provisions and enactments of this Act in like matters: And the expression "this Act," when used herein, shall be understood to include all the clauses of *The Rail-way Clauses Consolidation Act*, which are incorporated with this Act.

Expression  
"this act"  
defined.

III. And be it enacted, That the Gauge of the said Rail-way shall be five feet six inches; and the fare or charge for each First Class Passenger by any train on the said Rail-way shall not exceed two pence currency for each mile travelled, the fare or charge for each Second Class Passenger by any train on the said Rail-way shall not exceed one penny and one half penny currency for each mile travelled, and the fare or charge for each Third Class Passenger by any train on the said Rail-way shall not exceed one penny currency for each mile travelled; and that at least one train, having in it Third Class Carriages, shall run every day throughout the length of the line then open.

Gauge of Rail-  
way.

Maximum  
Fares for  
passengers.

IV. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing of the said Rail-way, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way and other works, provided such sum do not exceed the sum of one million Pounds sterling; and the sum so raised shall be the Capital Stock of the said Company, which shall be divided into shares of Twenty-five Pounds sterling each; and each of the persons mentioned in the Proclamation incorporating the said Company, shall be entitled to an equal number of shares in the amount of Stock above mentioned, if he shall choose to take the same, and if he shall not choose to take the same, then the shares to which he is entitled, but shall not choose to take, shall be equally divided among the others, if they choose to take them, and so on till each shall have taken the number of shares to which he may be entitled and shall choose to take, and which he shall within three months from the date of the said Proclamation, declare to the Directors hereinafter mentioned, his intention to take; and the said Directors shall issue to each of the persons aforesaid respectively, Certificates under the Common Seal of the Company, of the number of shares to which he is entitled and shall have taken, and he shall then be the legal owner of such shares, and invested with all the rights, and subject to all the liabilities of a Shareholder in respect of such shares; and if there be any surplus of shares after each of the said persons shall have received his Certificate for those to which he is entitled and shall have taken,

Company  
may raise the  
necessary  
Capital.

Amount of  
Capital.

Value of each  
share.

Allotment of  
stock.

Certificate to  
be issued to  
Subscribers.

the

Acknowledgment by subscribers.

How any further amount of Capital may be raised—

Word "person" defined.

Number of Directors, and how elected and appointed.

Government Directors.

Proviso.

Appointment of first Directors by the Governor.

the said Directors or their successors in office shall, on or after the day last aforesaid, dispose of and assign the same to such persons, at such times and in such manner as they shall think most for the advantage of the Company, and shall deliver Certificates as aforesaid to the persons to whom they shall be assigned, who shall thereupon become the legal owners of such shares and invested with all the rights and subject to all the liabilities of a Shareholder in respect of such shares; and each person to whom any share or shares shall be assigned, shall, on receiving the Certificate therefor, sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors and shall be evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid; and if any share or shares be disposed of by the Directors at a premium, such premium shall go to the Company as part of their profits; and whenever the said Company shall determine to raise any further amount of capital, the same may be raised either by the then Shareholders of the Company among themselves, or by the admission of new Shareholders, and in such manner as shall be determined by By-laws to be passed for the purpose; and to the holders of any such additional Stock, Certificates shall be issued in the manner aforesaid by the Directors for the time being, and acknowledgments shall be signed by the persons taking such Stock, and such Certificates and acknowledgments shall have the like effect in law as those hereinbefore mentioned; and the word "person" in this Section shall include and apply to any Body Corporate or Politic, whether municipal or otherwise, or other party who may lawfully hold shares in the Stock of the said Company.

V. And be it enacted, That the number of Directors of the said Company shall be eighteen, of whom nine shall (except in the first instance as hereinafter provided) be elected by the Shareholders in the said Company, who shall have respectively paid up all calls upon the shares held by them, in the Stock of the said Company, and nine shall be appointed by the Governor of this Province, in consideration of the guarantee of the Province, to be extended to the said Company, and to represent the interest of this Province in the undertaking, and shall hold office during the pleasure of the Governor: Provided always, that the Governor may, by an Instrument under His Hand and Seal at Arms, to be issued at the same time with the Proclamation incorporating the said Company, or at any time thereafter, appoint nine of the persons so incorporated to be Directors of the said Company on behalf of the Stockholders, and the persons so appointed shall be and are hereby constituted Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall, until that time, constitute, with the nine other Directors to be appointed by the Governor on the part of the Province, the Board of Directors of the said Company, and



and shall, with them, have and exercise all the powers vested in such Board.

VI. And be it enacted, That the Capital Stock of the said Company shall be laid out and applied, in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto; and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Rail-way, and other the purposes of this Act, and to no other use, intent or purpose whatsoever.

To what purposes the Capital shall be applied.

VII. And be it enacted, That the Shares in the Capital Stock of the said Company shall be deemed personal estate, and shall be transferable as such, and shall be and are hereby vested in the said original Shareholders and their several and respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally pay thereupon; and all and every the bodies politic, corporate or collegiate or communities, and all and every person or persons, their several and respective heirs, successors, executors, curators, administrators and assigns, who being such Shareholders, shall pay the sum of Twenty-five pounds sterling, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate or community, person or persons, having such property of one part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in the manner by this Act directed and appointed.

Shares to be personal property: rights and obligations of shareholders.

VIII. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Shareholders of the said Company are to be given, shall be equal to the number of shares held by him or her not exceeding one hundred, and that absent Shareholders may vote by proxy.

Number of votes of shareholders.

IX. And be it enacted, That the first General Meeting of the Shareholders under this Act may be held at such time and at such place in this Province as the Directors may appoint, after not less than four thousand Shares in the Stock of the said Company shall have been taken, and certificates issued and acknowledgments

First General Meeting.

Notice.

Election of  
nine Directors.

Term of office.

Annual General  
Meetings.Special General  
Meetings  
how called.

Notice.

Proviso: as to  
filling vacancies  
among  
Directors.

acknowledgments received by the Directors therefor, provided that public notice thereof be given during one month in the *Canada Gazette*, and in at least one other paper published in each of the Cities of Quebec, Montreal, Kingston and Toronto, respectively; and at such first General Meeting the Shareholders assembled, who have paid up all calls on the Stock held by them respectively, together with such proxies as shall be present, shall elect nine persons, being each a Shareholder of twenty-five or more shares in the said undertaking, who, with the Directors appointed by the Governor, shall be the Directors of the said Company, and the nine persons so elected shall remain in office until the then next Annual General Meeting of the Shareholders, and until others shall be elected in their stead, subject always to the provisions of this Act as to the vacation of the office of Director, and the mode of filling any vacancy.

X. And be it enacted, That in the month of September in each year, or at such other time in each year as may be appointed for the purpose by the By-laws of the Company, an Annual Meeting of the Shareholders of the said Company shall be held for the Election of Directors in the room of those whose office may at that time become or be vacant, and generally for the transaction of the business of the Company; and if at any time it shall appear to any five or more of such Shareholders, holding together or representing as proxies one thousand shares at least on which all calls shall have been paid up, that for more effectually putting this Act in execution a Special Meeting of Shareholders is necessary to be held, it shall be lawful for such five or more of them to cause forty days' notice at least to be given thereof in the *Canada Gazette* and in some other paper in each of the Cities of Quebec, Montreal, Kingston and Toronto, or in such manner as shall be provided by the By-laws of the Company, specifying in such notice the time and place, and the reason and intention of such Special Meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them with respect to the matters specified in such notice only; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principal or proxies less than one thousand shares, shall be as valid to all intents and purposes as if the same were done at General Meetings; Provided always, that it shall and may be lawful for the said Shareholders at such Special Meetings, in case of the death, absence, resignation or removal of any person or persons elected by the Shareholders as a Director or Directors of the said Company, to elect another or others in the room or stead of those Directors who may die or be absent, resign or be removed as aforesaid; any thing in this Act to the contrary notwithstanding.



XI. And be it enacted, That of the nine elective Directors three shall retire from office at the Annual Meeting of the Shareholders next after their election, and three at the Annual Meeting next following, and at every Annual Meeting thereafter those three Directors shall retire who have been longest in Office, and other Directors shall, at each Annual Meeting, be elected by the Shareholders in place of those so retiring, the order of retirement of the said first elected nine Directors being decided by lot; but the Directors then, or at any subsequent time retiring, shall be eligible for re-election: Provided always, that no such retirement shall have effect, unless the Shareholders, at such Annual General Meeting, proceed to fill up the vacancies thus occurring in the Direction.

Retirement  
from office of  
Elective Di-  
rectors.

Proviso.

XII. And be it enacted, That at any Meeting of the Directors of the said Company, six Directors, and not less, of whom not less than three shall be Government Directors, shall be a *quorum* for the transaction of business, and any majority of such *quorum* shall be competent to exercise all and any of the powers hereby vested in the said Directors of the said Company.

Quorum of  
Directors.

XIII. And be it enacted, That the Directors of the said Company may vote by proxy, such proxies being themselves Directors, and appointed in the following form, or to the like effect:

Directors may  
vote by  
proxy.

" I hereby appoint \_\_\_\_\_ of \_\_\_\_\_, Esquire, one of \_\_\_\_\_  
" the Directors of *The Grand Trunk Rail-way Company of Canada* \_\_\_\_\_  
" *East*, to be my proxy as a Director of the said Company, \_\_\_\_\_  
" and as such proxy to vote for me at all meetings of the \_\_\_\_\_  
" Directors of the said Company, and generally to do all that \_\_\_\_\_  
" I could myself do as such Director if personally present at \_\_\_\_\_  
" any such meeting.

Form of  
proxy.

" A. B., *Signature.*"

But no Director shall act as proxy for more than three other Directors.

Limitation.

XIV. And be it enacted, That the Stock Qualification of Shareholders to be elected Directors of the said Company, shall be twenty-five shares, of twenty-five pounds sterling each, of the Capital Stock; but any person may be appointed a Director by the Governor on behalf of the Province, whether he be qualified or not, or whether he be or be not a Shareholder.

Qualification  
of Directors.

XV. And be it enacted, That the Directors of the said Company may appoint such and so many agents in this Province, or in any other part of Her Majesty's dominions, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do,

Directors may  
appoint  
Agents: their  
powers.

do, perform and exercise, except the power of making By-laws ; and all things done by such agent or agents by virtue of the powers in him vested by any such By-law, shall be as valid and effectual to all intents and purposes as if done by such Directors themselves ; any thing in any part of this Act to the contrary notwithstanding.

Three  
Auditors to be  
appointed.

XVI. And be it enacted, That the Shareholders shall, at every such Annual General Meeting as aforesaid, appoint three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking by the Treasurer, Receiver and Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking.

Calls limited.

XVII. And be it enacted, That no call of money from the Shareholders shall exceed the sum of five pounds sterling per share of twenty five-pounds sterling.

English Rules  
of Evidence  
to apply in  
Lower  
Canada.

XVIII. And be it enacted, That in all actions or suits at law by or against the Company, or to which the said Company may be a party, instituted in Lower Canada, recourse shall be had to the Rules of Evidence laid down by the laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Shareholder shall be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a Shareholder.

Proceedings  
when Attach-  
ments or  
orders for  
*faits et articles*  
are served on  
the Company.

XIX. And be it enacted, That if any Writ of *Saisie-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for the President, or for the Secretary or the Treasurer thereof, in any such case, to appear in obedience to the said Writ, to make the Declaration by law required according to the exigency of each case, which said Declaration, or the Declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada as the Declaration of the Company ; and in causes in which Interrogatories *sur faits et articles* or the *serment décisoire* may be served upon or required of the Company, the Directors shall have the power, by a vote or resolution, entered among the minutes of the proceedings of any meeting, to authorize the President, Secretary or Treasurer to appear and answer such Interrogatories, or take or refer such *serment décisoire* ; and the answers on oath of the President, Secretary or Treasurer, so authorized, shall be held and taken to be the answers on oath of the Company to all intents and purposes, as if the formalities by law required had been complied with ; and the production of a copy of any such resolution, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.



XX. And be it enacted, That it shall be lawful for the said Company, with the consent of the Governor in Council, to take and appropriate for the use of their said Rail-way, but not to alienate so much of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works as to the said Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal, to or across or along which their Rail-way shall be carried; and if the said Rail-way shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river, or over the canal, and shall be subject to such Regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, and the same shall have been approved by him in Council as aforesaid.

Company may take lands covered with water, &c.

Proviso. Navigation not to be impaired.

Further provision.

XXI. And be it enacted, That the said Company shall have power to become a party to Promissory Notes and Bills of Exchange, for sums not less than twenty-five pounds currency, and any such Promissory Note, made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, or by any agent or agents, thereunto authorized, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the Company: and in no case shall it be necessary to have the seal of the Company affixed to any such Promissory Note or Bill of Exchange, nor shall the President, Vice-President, Secretary or Treasurer of the Company, so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to the bearer thereof, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Company may be a party to Bills of Exchange, &c.

Proviso.

XXII. And be it enacted, That if at any time any Municipal or other Corporation, Civil or Ecclesiastical, Body Politic, Corporate or Collegiate, or Community in this Province, shall be desirous of taking shares of the Capital Stock of the said Company, or of otherwise promoting the speedy completion of the

Communities may lend money to the Company.

the said Rail-way, by loans of money or securities for money, at interest or *à constitution de rente*, it shall be lawful for them respectively so to do, in like manner and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act; any thing in any Ordinance or Act, or Instrument of Incorporation of any such body, or in any law or usage, to the contrary notwithstanding.

Her Majesty may take the Rail-way after a certain time on certain conditions.

XXIII. And be it enacted, That it shall be lawful for the Governor in Council, at any time after the expiration of twenty-one years, from and after the day on which the Proclamation incorporating the said Company shall bear date, to purchase the said Rail-way with all its hereditaments, Stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three months' notice in writing of his intention, and upon payment of a sum equal to twenty years purchase of the annual profits divisible upon the subscribed and paid up Capital Stock of the said Rail-way, estimated on the average of the seven then next preceding years; Provided that the average rate of profits for the said seven years shall not be less than the rate of ten pounds in the hundred, and it shall be lawful for the Company, if they shall be of opinion that the said rate of twenty years purchase of the said average profits is an inadequate rate of purchase of such Rail-way, reference being had to the prospective profits thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company; Provided also, that such option of purchase shall not be exercised except with the consent of the Company, while any Order in Council, reducing the tolls fixed and regulated by any By-law of the said Company, shall be in force.

Proviso.

Proviso.

Accounts to be kept by the Company.

XXIV. And be it enacted, That from and after the commencement of the period of seven years next preceding the period at which the said option of purchase will become available, full and true accounts shall be kept by the Directors of the said Company, of all sums of money received and paid on account of the said Rail-way, and the said Company shall once in every half year, during the said period of seven years, cause a half yearly account in abstract to be prepared, shewing the total receipt and expenditure on account of the said Rail-way, for the half year ending on the Thirtieth day of June and on the Thirty-first day of December respectively, under distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified, under the hands of two or more of the Directors of the said Company, and shall send a copy of such account to the Inspector General, on or before the last days of August and February respectively; and it shall be lawful for the Governor in Council, if, and when he shall think fit, to appoint any proper person or persons to inspect the accounts and books of the said Company during the



the said period of seven years ; and it shall be lawful for any person so authorized, at all reasonable times, upon producing his authority, to examine the books, accounts, vouchers and other Documents of the Company, at the principal office or place of business of the Company, and to take copies or extracts therefrom.

XXV. Provided always, and be it enacted, That for and notwithstanding any thing to the contrary in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide for affording the Guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Rail-way*, or in the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province*, the guarantee of the Province shall not be given to the Company incorporated by this Act, or in respect of the Rail-way hereby authorized to be constructed, to an amount exceeding the sum of three thousand pounds sterling for every mile in length of the said Rail-way ; but provided the limits above mentioned be not exceeded, the said guarantee may, notwithstanding any thing to the contrary in the said Acts, be given to the extent of forty thousand pounds sterling, so soon as it shall be ascertained by the Report of any Engineer or Engineers to be appointed for that purpose by the Governor of this Province, that one hundred thousand pounds sterling has been actually, and with due regard to economy, expended on the said Rail-way by the said Company, in work or materials delivered on the ground, or both conjointly ; and whenever it shall be ascertained in like manner that another sum of one hundred thousand pounds sterling has been so expended as aforesaid, then the guarantee of the Province may be given for another sum of forty thousand pounds sterling, and so on *toties quoties* until such guarantee shall have been given to the whole extent hereby before limited : Provided always, that such guarantee shall, except in so far as otherwise provided by this Section, be subject to all the provisions of the Act first cited in this Section as amended by that secondly cited therein, and may, under the provisions of the twenty-second Section of the Act last mentioned, be given by issuing and delivering to the said Company Provincial Debentures for the amount to be guaranteed, in exchange for the Bonds of the Company, to which Bonds all the provisions of the said Section and of the said Acts shall apply.

Amount of  
Provincial  
Guarantee  
limited.  
12 V. c. 29.

14 & 15 V. c.  
73.

Guarantee  
may be given  
in a certain  
manner.

Proviso :  
s. 22, of 14 &  
15 V. c. 73,  
cited.

XXVI. Provided always, and be it enacted, That the said Company, may by any By-law to be passed for that purpose, and assented to and confirmed by a majority of votes of the Shareholders at a Special General Meeting thereof to be called for the purpose of considering such By-law, renounce the benefit of

Company may  
renounce the  
Guarantee.

Effect of such  
renunciation.

Retirement of  
Government  
Directors.

Company may  
determine to  
continue their  
Rail-way to  
the Eastern  
limits of the  
Province : and  
the Governor  
may then em-  
power them to  
do so.

This Act to  
apply to such  
continuation.

of the guarantee mentioned in the next preceding Section ; and if such By-law be so passed, assented to and confirmed, and a copy thereof duly certified be delivered to the Provincial Secretary, then the said guarantee shall not be thereafter given, and if at the time of the delivery of the copy of such By-law to the Provincial Secretary, the said guarantee shall not have been given to the said Company, the nine Directors appointed by the Governor on behalf of the Province shall go out of office, and no others shall be appointed in their stead ; and if the said guarantee has been given to the said Company before a copy of such By-law shall be delivered to the Provincial Secretary, then as soon thereafter as all the Bonds or Debentures of the said Company to which the said guarantee has been given, and all Provincial Debentures delivered to the said Company in exchange for their Bonds, shall have been delivered up to the Receiver General to be cancelled, so that the Province shall be relieved from all responsibility or liability arising out of the said guarantee, then the said nine Directors shall go out of office, and no others shall be appointed in their stead ; And when the said nine Directors shall so go out of office under this Section, the nine elective Directors, and their successors in office, shall thenceforth be the sole Directors of the Company, and have and exercise all the powers hereby conferred on the Directors thereof.

XXVII. And be it enacted, That at any time not later than three years after the date of the Proclamation incorporating the said Company, it shall be lawful for the Shareholders of the said Company to hold a Special General Meeting to be called by the Directors for the purpose of considering whether it is or is not desirable that the Company should continue the said Rail-way from some point on the line hereinbefore mentioned to the Eastern Limits of the Province, and if three fourths of the votes of the Shareholders present at such Meeting duly qualified to vote at Elections of Directors, shall be given in favor of so continuing the said Rail-way, then the Directors shall within three months after such Special Meeting represent the fact to the Governor of this Province, by a Petition praying him to authorize the said Company to continue the same accordingly, and it shall then be lawful for the Governor by Proclamation under the Great Seal of the Province, to authorize the said Company to continue the said Rail-way as aforesaid, and after the issue of such Proclamation, the said Company shall have full power and authority to continue the said Rail-way accordingly, upon such line as they shall after actual survey deem most advantageous, provided such line be first approved by the Governor in Council : and all the enactments and provisions of this Act shall apply to the continuation of the said Rail-way under this section, as fully and effectually as to that portion thereof mentioned in the preceding sections of this Act, and as if such continuation had formed part of the line mentioned in the first section of this Act, except that the said Company



Company shall have the right of taking lands to the extent of twenty acres for stations, depots and fixtures, at one place only on the line of the said continuation ; And provided always, that if the said continuation shall not be commenced within one year from the date of the Proclamation last aforesaid, then the right of the Company to make the same and all their rights under this section shall cease and determine, and if the said continuation shall not be completed within five years from the date of the said Proclamation, then it shall be lawful for the Governor in Council by Proclamation under the Great Seal of the Province, to revoke the rights given by the Proclamation first mentioned in this section, and the same shall thereupon cease and determine in so far as regards so much of the said continuation as shall not then be completed and open for public use.

Proviso :  
continuation  
to be begun  
and completed  
by a certain  
time.

XXVIII. And be it enacted, That so soon as a Proclamation shall have issued under the next preceding section authorizing the said Company to continue their Rail-way as therein mentioned, it shall be lawful for the said Company to increase their Capital Stock by an amount not exceeding one million pounds sterling, either by subscription among themselves or by the admission of new Shareholders, or both, and in such manner as shall be determined by any By-law or By-laws to be passed for the purpose.

Increase of  
Capital  
allowed.

XXIX. Provided always, and be it enacted, That the guarantee of the Province shall not extend to the continuation of the said Rail-road mentioned in the two next preceding sections, although such continuation will form part of the main Trunk Line of Rail-way throughout the length of this Province, but instead thereof, it shall be lawful for the Governor to make a free grant to the said Company, so soon as the said continuation shall be completed, of a quantity of the ungranted lands of the Crown, lying within the Counties of Rimouski and Bonaventure, not exceeding one million of acres, and a proportionate quantity whenever any portion of the same shall be completed, and such land so granted shall be at the absolute disposal of the said Company, who shall have full power to manage and to sell and dispose of the same, on such terms and in such manner as they shall deem most for their advantage, and the proceeds thereof shall form part of the profits of the Company.

Guarantee not  
to be given for  
such continu-  
ation ; but one  
million of  
acres of land  
may be grant-  
ed to the Com-  
pany.

XXX. And be it enacted, That if the Directors of the said Company, shall at any time (as they are hereby empowered to do) renounce in the name of the Company the right to continue their Rail-way as aforesaid, or if the proposal to continue the same be not concurred in by three fourths of the Shareholders at the Meeting called to consider the same, or if such Meeting be not held within the period limited for that purpose by the twenty-seventh section of this Act, or if the continuation be not completed

If the Com-  
pany renounce  
their right to  
make such  
continuation,  
or fail to use  
it within a  
certain time,  
another Com-  
pany may be

incorporated  
for the pur-  
pose.

Provisions of  
this Act ex-  
tended to such  
Company.

Proviso.

completed within the period limited for that purpose by the said twenty-seventh section of this Act, or if after part of such continuation has been completed the powers of the Company as regards the remainder thereof be revoked in the manner provided by the said section, then, in any of the said cases it shall be lawful for any number of persons not less than eighteen, and having agreed among themselves to subscribe not less than one tenth of the sum which shall be necessary for making such continuation or such part thereof as shall then remain to be made, to petition the Governor of this Province to be incorporated for the purpose of making such continuation, or such part thereof as shall then remain to be made, and all the provisions of the first section of this Act, except so much thereof as describes the line of Rail-way to be made by the Company incorporated under the same, and all the provisions of this Act, except such as are declared not to be applicable to the said continuation, or which fix the amount of Capital of the Company first mentioned, or which provide for the granting of the Guarantee of the Province to such Company, or which are plainly inapplicable to the said continuation, or to any Company to be incorporated solely for making the same, shall be and the said enactments and provisions are (with the exceptions aforesaid) extended to the Company to be incorporated under the provisions of this section for the purpose of making the said continuation or any part thereof, and shall apply to such Company as fully and effectually as to the Company first mentioned in this Act : Provided always, that the Capital of the Company to be incorporated under the provisions of this section, shall not exceed one million pounds sterling, if they are to make the whole of the said continuation, nor a sum bearing the same proportion to the said sum as the whole length of the said continuation shall bear to that of the portion thereof to be made by them, if they are only to make a part thereof, and the amount of such Capital shall be fixed by the Proclamation incorporating the Company ; and the first General Meeting of the Stockholders shall be held whenever one fifth of the Capital Stock of the Company shall have been taken and Certificates issued and acknowledgments received therefor ; and the said Company shall be entitled to a proportionate part of the said Land hereinbefore mentioned ; but if they make the whole of the said continuation, then they shall have the whole of the said Land : and the corporate name of the said Company shall be *The Grand Trunk Rail-way Extension Company*.

The Legisla-  
ture will  
make any fur-  
ther provi-  
sions requisite  
for giving  
effect to this  
act.

Public Act.

XXXI. And be it declared and enacted, That the Legislature of this Province will make such further provisions as may be necessary to give full effect to this Act, according to its true intent and spirit.

XXXII. And be it enacted, That this Act shall be a Public Act.



## CAP. XXXIX.

An Act to empower any Rail-way Company whose Rail-way forms part of the Main Trunk Line of Rail-way throughout this Province, to unite with any other such Company or to purchase the property and rights of any such Company ; and to repeal certain Acts therein mentioned incorporating Rail-way Companies.

[10th November, 1852.]

**W**HEREAS it would be to the advantage of this Province, Preamble.  
that the Main Trunk Rail-way throughout the whole length thereof should be under the management and control of one Company, or of as small a number of different Companies as may be practicable : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for any two or more of the Companies formed or to be hereafter formed, for the purpose of constructing any Rail-way, which shall form part of the Main Trunk Line of Rail-way contemplated by the Legislature in passing the Act of the now last Session of the Provincial Parliament, intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province*, to unite together as one Company, or for any one of such Companies to purchase and acquire the property and rights of any one or more of such Companies : And the provisions of this Act shall apply to and include the St. Lawrence and Atlantic Rail-road Company, and the whole of the Rail-way which that Company are empowered to construct, and shall also apply to and include any Company which may have been formed by the Union of any two or more Companies under this Act.

Power to unite with or purchase the rights of another company.

14 & 15 V. c. 73.

Act to apply to certain companies.

II. And be it enacted, That it shall be lawful for the Directors of any such Company as aforesaid, to agree with the Directors of any other such Company or Companies, that the Companies they respectively represent shall be united as one Company, or that one of such Companies shall purchase and acquire the property and rights, and take upon itself all the liabilities of the other or others ; and by such agreement to fix the terms upon which such union or such purchase shall take place, the rights which the Shareholders of each Company shall possess after such union or purchase, the number of Directors of the Company after any such union and who shall be such Directors until the then next Election, the period at which

Directors of two or more companies may agree on terms of such union or purchase.

such next Election shall be held, the number of votes which the Shareholders of either Company shall respectively have thereat, and the Corporate name of the Company after any such union, the time when the agreement shall take effect, the By-laws which shall apply to the united Company, and generally to make all such conditions and stipulations touching the terms upon which such union or purchase shall take place, as may be found necessary for determining the rights of the said Companies respectively and of the Shareholders thereof, after any such union or purchase, and the mode in which the business of the Company shall be managed and conducted after any such union.

Special general meeting to be called to ratify or disallow such agreement.

III. And be it enacted, That whenever any such agreement shall have been made as aforesaid, the Directors of each of the Companies which it is to affect, shall call a Special General Meeting of the Shareholders of the Company they represent, in the manner provided by law for calling such General Meetings, stating particularly that such Meeting is called for the purpose of considering the said Agreement, and of ratifying or disallowing the same; and if at such Meeting of the Shareholders of each of the Companies concerned, respectively, three fourths or more of the votes of the Shareholders attending the same, either in person or by proxy, be given for ratifying the said Agreement, then the same shall have full effect accordingly, as if all the terms and clauses thereof, not inconsistent with this Act, were enacted in an Act of the Legislature of this Province; and if less than three fourths of the votes of the Shareholders present at such Meeting, in person or by proxy, be given in favor of ratifying such Agreement, then the same shall be void and of no effect, and no other Meeting shall be called to consider any Agreement for a like purpose within six months thereafter: Provided always, that the First Meeting of the Shareholders of any Company for considering any such Agreement shall be held within three months of the time when the same shall be made by the Directors thereof, and not afterwards.

Proviso.

Effect of ratification of an agreement for a union.

IV. And be it enacted, That from and after the time when any such ratified agreement for the union of two or more Companies shall take effect, the Companies intended to be united shall become one Company and one Corporation by the Corporate name assigned to it in such agreement, and shall be invested with and have all the rights and property and be responsible for all the liabilities of the respective Companies, parties to such agreement, and shall be held to be the same Corporation with each of them, so that any right or claim which could be enforced by or against either of them, may after such union, be enforced by or against the Company formed by their Union, and any suit, action or proceeding pending at the time of such Union by or against either of such Companies, may be continued and completed by or against the Company formed by their Union, by the corporate name assigned



assigned to it by the Agreement: Provided always, that the rights of the Province or of Her Majesty on behalf of this Province, under any guarantee given to any such Company or otherwise, or of any person or party having any special hypothec or privileged claim upon the lands and buildings, tolls, revenues or other property, real or personal, of either of such Companies, or upon any part thereof, shall not be impaired by such Union, and the Company shall keep separate accounts with respect to each Rail-way, so as to ascertain the property or moneys upon which any such hypothec or privilege may attach.

Proviso.

V. And be it enacted, That from and after the time when any such ratified Agreement for the purchase by one such Company as aforesaid, of the Rail-way, property and rights of another such Company shall take effect, such Rail-way, property and rights shall become vested in and shall be exercised by the Company purchasing the same, by the corporate name assigned to it in such Agreement, and such last mentioned Company shall be responsible for all the liabilities of the Company whose Rail-way, property and rights shall have been transferred to them, and shall be held to be the same Corporation with it, so that any right or claim which could be enforced by or against either Company, may, after such purchase, be enforced by or against the purchasing Company, and any suit, action or proceeding pending at the time such Agreement shall take effect, by or against either Company, may be continued and completed by or against the purchasing Company, by the name assigned to it in such Agreement: Provided always, that the rights of the Province, or of Her Majesty on behalf of this Province, under any guarantee given to any such Company or otherwise, or of any person or party having any special hypothec or privileged claim upon the lands, buildings, tolls or other property of either of such Companies, or upon any part thereof, shall not be impaired by such purchase, and the Company shall keep separate accounts with respect to each Rail-way, so as to ascertain the property or moneys upon which any such hypothec or privilege shall attach.

Effect of ratification of an agreement for purchase.

Proviso.

VI. Provided always, and be it enacted, That the Company whose property and rights shall have been so purchased, shall continue to have a Corporate existence for the sole purpose of doing such things, and such things only as shall be necessary for the purpose of giving full effect to the ratified Agreement, and to the rights of its Shareholders or others under the same, and so long as there shall remain any thing to be done for that purpose, Directors may be elected for the said Company, and may exercise their powers for such purposes as aforesaid only.

Company selling, to remain a corporation for certain purposes only.

VII. And be it enacted, That the rights and obligations of the Company formed by any such Union, or having purchased the Rail-way property and rights of another Company, shall as regards

Rights of the company after such purchase

or union in matters affecting third parties.

regards lands, fences, roads, bridges, tolls and other matters in which others than the Members and Officers of the Company are concerned, be governed by the provisions regulating such matters in the Act or Acts passed with reference to the Railway to which such right or obligations may relate, saving always the right of the Directors, to modify any such Tolls by By-laws to be passed in the manner and subject to the provisions of such Act or Acts, or to make, amend or repeal By-laws on any matter for which By-laws may be made, amended or repealed under such Act or Acts.

Capital of united companies.

Increase of capital of company purchasing.

VIII. And be it enacted, That in the case of any such Union as aforesaid, the Capital of the Company formed thereby, shall be equal to the combined Capitals of the Companies united, and they may raise by Loan or otherwise, any sum not exceeding the total amount which such Companies might raise : And in the case of the purchase by one Company of the property and rights of another Company, the purchasing Company shall have full power to increase their Capital by such sum as may be required to pay the purchase money agreed upon, and may raise the sum required for the said purpose, either among themselves, or by the admission of new Subscribers, in such manner as shall be provided by By-laws to be passed for the purpose, or may raise such sum or any part thereof by loan, and may issue Debentures for the amount so borrowed in the manner and form provided, with regard to other Debentures issued by such Company, by their Act of Incorporation, or any Act amending the same, except that such Debentures may be made to bear any rate of interest not exceeding seven per cent per annum.

Further provision may be made for giving effect to such agreement.

IX. And be it declared and enacted, That the Legislature of this Province will make any further legislative provision which may be required for the purpose of giving full effect to this Act and to any Agreement made under it, and ratified as aforesaid, according to the true intent and purport thereof, notwithstanding any merely technical or formal objection thereto.

Recital.

X. And whereas the several parties who have subscribed for Stock in *The Montreal and Kingston Rail-way Company*, and in *The Kingston and Toronto Rail-way Company*, and have incurred certain preliminary expenses for surveys and otherwise, with a view to the organization of the said Companies, have respectively expressed their willingness that the Acts providing for their incorporation should be repealed on condition that *The Grand Trunk Rail-way Company of Canada*, incorporated by an Act of this Session, should repay them the expenses so incurred ; Be it therefore enacted, that the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to incorporate the Montreal and Kingston Rail-way Company*, and the Act passed in the same Session, and intituled, *An Act to incorporate*  
the

Acts 14 & 15 V. c. 143, and 14 & 15 V. c. 146 repealed.



the *Kingston and Toronto Rail-way Company*, shall be and the said Acts are hereby repealed ; Provided always, that the said Grand Trunk Rail-way Company of Canada, shall repay to the persons hereinbefore referred to, the sums by them expended in the preliminary expenses aforesaid.

## C A P. X L.

An Act to incorporate *The Cobourg and Peterborough Rail-way Company.*

[10th November, 1852.]

**W**HEREAS the construction of a Rail-way connecting the Town of Peterborough, its extensive water power and surrounding country, with the Port of Cobourg, must conduce greatly to the welfare of the inhabitants residing therein ; And whereas Andrew Jeffrey, D'Arcy E. Boulton, Stuart E. Mackechnie, Edward J. Winans, Henry Jones Ruttan, George S. Daintry, John Beatty, the younger, Peter McCallum, Henry Mason, Asa A. Burnham, George Hutchinson, Francis Burnett, George M. Boswell, John Field, William G. Strong, Austin B. Carpenter, Thomas Scott, Ebenezer Perry, William Hitchins, John S. Wallace, William Gravely, William McDougall, Terence Duignan, Sidney Smith, John Helm, the elder, Henry Covert, Joseph B. Radcliffe and James B. Fortune, have prayed to be incorporated with the powers requisite for making and maintaining such Rail-way : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Andrew Jeffrey, D'Arcy E. Boulton, Stuart E. Mackechnie, Edward S. Winans, Henry Jones Ruttan, George S. Daintry, John Beatty, the younger, Peter McCallum, Henry Mason, Asa A. Burnham, George Hutchinson, Francis Burnett, George M. Boswell, John Field, William G. Strong, Austin B. Carpenter, Thomas Scott, Ebenezer Perry, William Hitchins, John S. Wallace, William Gravely, William McDougall, Terence Duignan, Sidney Smith, John Helm, the elder, Henry Covert, Joseph B. Radcliffe and James B. Fortune, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be a body Corporate and Politic, in fact, by and under the name and style of *The Cobourg and Peterborough Rail-way Company.*

Preamble.

Certain persons, &amp;c., incorporated.

Corporate  
name.

Certain  
clauses of 14  
& 15 Vic.,  
c. 51, in-  
corporated  
with this Act.

What Line of  
Rail-way the  
Company  
may con-  
struct.

Form of deeds  
to Company.

Registration  
of such deeds.

Capital  
Stock: Num-  
ber and value  
of shares.

Application of  
such Capital.

Proviso.

II. And be it enacted, That the several Clauses of the *Rail-way Clauses Consolidation Act*, passed during the last Session of the now last Parliament, with respect to the first, second, third and fourth Clauses thereof, and also the several Clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity and fines and penalties and their prosecution," "Working of the Rail-way," and "General Provisions," shall be incorporated with this Act.

III. And be it enacted, That the said Company, and their servants or agents, shall have full power, under this Act, to lay out, construct, make and finish a double or single Iron Rail-way or Road at their own costs and charges, on and over any part of the County, and across Rice Lake, lying between the Towns of Cobourg and Peterborough, to Peterborough, or to intersect any road leading from Peterborough Eastward.

IV. And be it enacted, That deeds and conveyances under this Act, for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands, or the circumstances of the party making such conveyances will admit, be made in the form given in the Schedule to this Act marked A ; And all Registers are hereby required to enter in their registry book such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the said deed ; and the said Company are to pay to the said Register for so doing, the sum of two shillings and six pence, and no more.

V. And be it enacted, That the Capital Stock of the Company shall be one hundred thousand pounds currency, to be divided into ten thousand shares of ten pounds each, which amount shall be raised by the persons and parties above named, or some of them, together with such other persons and Corporations as may become Subscribers towards such stock ; And the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the Surveys, Plans and Estimates of the said Road and connected with the said Rail-way, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Rail-way and other purposes of this Act, and to no other purpose whatsoever ; Provided always, that until the said preliminary expenses connected with the said Rail-way shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town or Township on or near the line of the said Road, to pay out of the general funds of such Municipality their fair proportion

of



of such Rail-way preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

VI. And be it enacted, That within one month after this Act shall be passed, a General Meeting of the Shareholders shall be held at the Town of Cobourg, for the purpose of putting this Act into effect, which meeting shall be called by the Mayor of Cobourg, ten days' public notice thereof being given, by being published in the newspapers of the said Town of Cobourg, at which said General Meeting, the Shareholders present, having paid ten per cent on their Stock subscribed, shall either by person or by proxy, choose nine Directors in the manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors as provided by the *Rail-way Clauses Consolidation Act*, shall hold office until the first Monday in February following; Provided, that the Heads of Municipalities subscribing for Stock may vote on such Stock at the said first Meeting, or in their absence, such persons as may be duly authorized under the Seal of the Municipality for the purpose; and such Municipalities so voting, shall vote according to the scale of votes hereinafter mentioned, and in the same manner as individual Shareholders.

First General Meeting.

Election of Directors.

Proviso.

VII. And be it enacted, That on the first Monday in February, in each year, at Cobourg, at the office of the Company, there shall be chosen by the Shareholders nine Directors in the manner hereinafter directed; and public notice of such annual election shall be published one month before the day of the election in the *Canada Gazette*, and also once fifteen days before the election in one newspaper in each Town upon the line of said Road; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election, shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made, and if a vacancy shall at any time happen among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and that the said nine Directors, with the said *ex officio* Directors shall form the Board of Directors.

Annual General Meeting : Election of Directors, &c. Notice there-to.

Mode of Election.

Vacancies, how filled.

VIII. And be it enacted, That five Directors shall form a quorum for the transaction of business; Provided that the Directors may employ one or more of their number as paid Director or Directors.

Quorum of Directors. Proviso.

IX. And be it enacted, That the persons qualified to be Directors of the said Company under this Act, shall be any Shareholder holding Stock to the amount of one hundred pounds, who shall have paid up all calls on such Stock.

Qualification of Directors.

Calls to be made by Directors.

X. And be it enacted, That it shall and may be lawful for the Directors, at any time, to call upon the Shareholders for the second and all subsequent instalments upon each share which they or any of them may subscribe for, payable by such instalments, and at such times, and in such proportion as the Directors of the said Company may see fit, so as no such instalment shall exceed ten per cent.

Proportion of votes to Shares.

Proviso.

XI. And be it enacted, That each Shareholder in his own right, shall be entitled to the number of votes in proportion to the number of shares which he shall have in his name two weeks prior to the time of voting ; Provided that no one Shareholder as aforesaid, shall have more than five hundred votes, and that Municipalities shall have one hundred votes for every five thousand pounds they shall subscribe.

Company may become parties to Promissory Notes, &c.

XII. And be it enacted, That the said Company may become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds ; and any such promissory note made and endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of Directors shall be binding upon the said Company, and every such promissory note or bill of exchange so made, drawn, accepted or endorsed, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed as the case may be, until the contrary be shown : and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note ; nor shall the President or Vice-President, Secretary or Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be hereby subjected individually to any liability whatever ; Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a Bank.

They need not be under Seal.

Proviso : Company not to issue notes payable to bearer, &c.

Company may unite with other Companies.

XIII. And be it enacted, That it shall be lawful for the Directors (if authorized by any general meeting of the Shareholders to be called for the purpose) to enter into, and make any arrangement with the Directors of any Rail-way Company, now or hereafter to be chartered in any part of this Province for the union, junction and amalgamation of the said Company with any other Rail-way Company, or for the purchase of the Rail-way of such other Company, by mutual agreement with such Company : And the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their union, and be controled and managed as such independently of all other increase of stock authorized by this Act.



XIV. And be it enacted, That the guage of the said Rail- Guage.  
way shall not be broader or narrower than five feet six inches.

XV. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate for the use of the said Rail-way, so much of the land covered with the waters of the Otonabee and Rice Lake, and of any stream, or of their respective beds, as may be found necessary for the making, completing, or more completely using the same ; and thereon to erect any wharves, quays, inclined planes, cranes, and other works as to the Company shall seem meet : And if the said Rail-way shall be carried across the Rice Lake or Otonabee River, the said Company shall leave such openings between the piers of their bridge, or viaduct over the same, and shall construct such draw, swing or other bridges over the channel of the said River or of Rice Lake, and shall be subject to such regulations with regard to the opening of such draw, swing or other bridges for the passage of vessels, steamboats and rafts, as the Governor in Council shall direct and make from time to time ; nor shall it be lawful for the said Company to construct any wharf, bridge or pier, or other work upon the public beach of the said Rice Lake or Otonabee River, or upon the land covered with the waters thereof, until they shall have submitted the plans of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid, nor shall it be lawful for the said Company to construct any bridge across the said lake without the consent of the Governor in Council.

Company may take lands covered with water, for their works.

Provisions for preventing obstruction to navigation, &c.

XVI. And be it enacted, That by any regulations to be made by the Governor in Council touching any such draw bridge, swing or other bridges as aforesaid, penalties not exceeding ten pounds in any case, may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company, or from any of their officers or servants by whom the regulations shall have been contravened.

Governor in Council may impose penalties by regulations as to Bridges.

XVII. Provided always, and be it enacted, That the said Company shall have full power and authority to take, without the consent of the owner but subject to the provisions of the said Rail-way Clauses Consolidation Act, such quantity or extent of land for their Depot and other works, at the Town of Cobourg, as they may find requisite for the same, not exceeding ten acres, and such quantity or extent of land not exceeding ten acres as they may find requisite, for any Depot and works which they may construct at Rice Lake, and at the Town of Peterborough, or in the Township of Otonabee within one mile of the said Town, any limitation in the tenth section of the said Act headed, "Plans and Surveys," to the contrary notwithstanding ; and the limitation in the said section, of the quantity of land to be so taken, shall apply only to lands taken by the said Company, at places other than those above mentioned.

Company may take land for Depot.





be insufficient for the proper and efficient construction of the Rail-way by the said Act authorized to be constructed, and it is desired to increase the same to the sum of three hundred and twenty-five thousand pounds, like currency, with such powers to increase the same as are contained in the said Rail-way Clauses Consolidation Act ; And whereas the said *Toronto and Guelph Rail-way Company*, have executed under their corporate seal, bonds to the amount of two hundred and seventy-five thousand pounds sterling money of Great Britain, payable to bearer, which bonds are secured by a Mortgage Deed bearing date the thirtieth day of June, one thousand eight hundred and fifty-two, executed under the corporate seal of the said Company, whereby the said intended Rail-way and all the works of the said Company, together with all stations, buildings, carriages, engines and other property attached or to be attached to or belonging to the said Rail-way, and all the Revenues and Tolls to be derived from the said works, are mortgaged and pledged to the Canada Company, in trust as a security for the payment of the said entire sum of two hundred and seventy-five thousand pounds sterling, on the first day of July, one thousand eight hundred and seventy-three, and for the payment of the half yearly interest thereon at the rate of six pounds per centum per annum in the meantime, and whereby the Municipal debentures which have already been and which hereafter shall be issued for the Stock already subscribed, and which hereafter shall be subscribed by Municipal Corporations of the Province of Canada, under the provisions of the Rail-way Clauses Consolidation Act are also mortgaged and pledged to the said Canada Company, in trust as a collateral security for the due payment of the principal and interest on the said bonds ; And whereas doubts have arisen whether the said third Clause of the said Act incorporating the said *Toronto and Guelph Rail-way Company* does not limit and restrict the powers contained in the Rail-way Clauses Consolidation Act, of borrowing money, and other doubts have arisen as to the validity, negotiability and security of the said bonds, and the validity of the said mortgage ; And whereas it is expedient to remove such doubts, and to affirm the validity, negotiability and security of the said bonds of the said Company so as aforesaid executed to the amount of two hundred and seventy-five thousand pounds sterling money of Great Britain, and of any further bonds which may be executed by the said Rail-way Company, to an aggregate amount (with the said sum of two hundred and seventy-five thousand pounds) not exceeding the amount of capital for the time being, authorized to be raised by the said Company, and the validity of the said mortgage and of any mortgage or mortgages to be hereafter executed as a security for any moneys to be borrowed by the said Company, within the limit of their prescribed capital for the time being ; And whereas the said *Toronto and Guelph Rail-way Company* have by their petition prayed that the said Act incorporating the said *Toronto and Guelph Rail-way Company* may

Amount of capital stock of the Company: into what shares divided.

may be amended: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Capital Stock of the said Company shall be, and is hereby declared to be the sum of three hundred and twenty-five thousand pounds, Provincial currency, divided into sixty-five thousand shares of five pounds each, and that the said Capital Stock may, if necessary, from time to time be increased in the manner provided for by the Rail-way Clauses Consolidation Act.

Certain bonds mentioned in the preamble declared valid.

II. And be it enacted and declared, That the said bonds of the said *Toronto and Guelph Rail-way Company* so as aforesaid executed to the said amount of two hundred and seventy-five thousand pounds sterling money of Great Britain, and the said mortgage for securing the same are, and shall continue to be, and subsist as good and valid and obligatory upon the said *Toronto and Guelph Rail-way Company* according to the tenor and purport thereof respectively, and that all bonds, debentures or other securities of the said Rail-way Company, may be made payable to bearer, and that the said bonds which have been so executed, as aforesaid, and all future bonds, debentures and other securities of the said Rail-way Company, and all dividends or interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Bondholders, &c., to have no preference one over the other.

III. And be it enacted and declared, That the respective *bonâ fide* Bondholders and Mortgagees of the said Rail-way Company, as well under any bonds, debentures, mortgages or other special securities to be hereafter lawfully executed by the said Rail-way Company within the limit of their Capital for the time being prescribed, as under the said bonds already executed, shall be entitled one with another to their respective proportions of the Tolls and other property of the said Rail-way Company, according to the respective sums in such securities mentioned, and to be repaid the principal and interest moneys thereby secured, without any preference one above another by reason of priority of the date of any such security or of the resolution by which the same was authorized or otherwise howsoever; provided that this enactment shall not operate either to accelerate or to delay the right of the holder of any such security to demand and enforce payment of the principal moneys thereby secured on the day or respective days therein mentioned for payment thereof.

Except as to time of payment.



IV. And be it enacted and declared, That if any interest or principal due on any such security as aforesaid, be not paid by the said Rail-way Company on the day, and at the place appointed for payment thereof, and if the Canada Company shall neglect for sixty days after notice in writing by the holder of any such security, to enter into possession of the said Rail-way, or appoint a Receiver of the Rates and Tolls and other profits of the said Rail-way and works, under and by virtue of the aforesaid mortgage, then in such case the holder of such security (without prejudice to his right to sue for the interest or principal so in arrear, in any of the Superior Courts of Law or Equity) may if his debt amount to the sum of five thousand pounds alone, or if his debt do not amount to the sum of five thousand pounds, may in conjunction with other creditors of the said Rail-way Company holding any such securities as aforesaid, whose debts on such securities being so in arrear after such demand as aforesaid, shall, together with his amount to the sum of five thousand pounds, require the appointment of a Receiver by an application to be made to the Court of Chancery at Toronto, in a summary manner without suit, and on any such application, it shall be lawful for such Court, after hearing the parties, or giving them an opportunity to be heard, to appoint some person to receive the whole or a competent part of the Tolls or sums liable to the payment of such interest, or principal and interest, until the same, together with all costs, including the charges of receiving the Tolls or sums aforesaid, shall be fully paid; and upon such appointment being made, all such Tolls and sums of money as aforesaid, shall be paid to, and received by the person so to be appointed, and the moneys so to be received shall be so much money received by or to the use of the party or parties to whom such interest or principal and interest shall be then due, and on whose behalf such Receiver shall be appointed, and after such interest or principal and interest and costs shall have been so received, the power of such Receiver shall cease; Provided always, that during the possession of any such Receiver, it shall be lawful for the said Court of Chancery from time to time, on the application of any creditor or creditors of the said Rail-way Company under any such security as aforesaid, whose interest or principal, or both shall be in arrear, by order to direct that such last mentioned creditor or creditors shall be entitled to the benefit of such Receivership from the time of the service of the same order on such Receiver, and upon such order being so made, and served on such Receiver, the creditor or creditors mentioned therein, shall thenceforth be entitled to the benefit of such Receivership, in the same manner as if he or they had joined in the original application for the appointment of the Receiver.

Receiver of rates and tolls may be appointed in certain cases.

And at whose instance.

His powers and duties.

Proviso: Chancery may extend the benefit of the receivership to other creditors.

V. Provided always, and it is hereby enacted and declared, That every appointment of a Receiver to be made as aforesaid, and also every mortgage or other specific lien or charge on all or any part of the present or future property, tolls or credits of the

Appointment of Receiver not to interfere with the rights of the

Canada Com-  
pany.

Proviso.

the said Rail-way Company shall be subject to the right of the said Canada Company under the said Mortgage Deed to enter upon, take possession of, or otherwise deal with the property included in or charged by the said Mortgage, or expressed or intended so to be, and if the said Canada Company shall think fit to have a Receiver of the tolls and profits of the said undertaking appointed on their behalf, as such Mortgagees, the said Canada Company may apply to the Court of Chancery, and procure the dismissal of any Receiver appointed by the said Court as aforesaid, in a summary manner and without suit ; Provided nevertheless, that the said Mortgage Security to the said Canada Company shall be held and enforced by the said Canada Company, in trust for the benefit not only of the said Bondholders, to the amount of two hundred and seventy-five thousand pounds sterling, but also of the holders of all other bonds, debentures or securities of the said Rail-way Company, which shall be lawfully issued by the said Rail-way Company, and shall be expressed to be issued or made on the security of the said Mortgage, rateably and in proportion to the sums which for the time being shall have become actually due and payable thereon for interest or principal, or both.

Sect. 3 of the said Act, does not limit the rights conferred by clauses of 14 & 15 V. c. 51, incorporated with it.

VI. And be it declared and enacted, That the third Clause of the *Toronto and Guelph Rail-way Act* of one thousand eight hundred and fifty-one, or any thing in that Clause or in this Act expressed, does not in any respect take away, lessen, restrict, prejudice, or otherwise affect any of the powers, authorities, indemnities, rights and privileges which are granted and conferred by and may be had, exercised and enjoyed by virtue of the incorporation with that Act, of such of the Clauses of the Rail-way Clauses Consolidation Act, as in and by the Fourth Clause of the *Toronto and Guelph Rail-way Act*, of one thousand eight hundred and fifty-one, are expressed to be and are incorporated with that Act.

Six Directors to retire yearly, &c.

VII. And be it enacted and declared, That at the next annual general meeting of the said Company, and at every annual general meeting thereafter, six of the thirteen elected Directors of the said Company shall annually retire in rotation, the selection of the first six to retire being decided by lot, or in such other manner as shall be provided by the Directors of the said Company by rule or regulation in that behalf to be passed, but the Directors so from time to time retiring shall be eligible for re-election ; and all votes hereafter to be given at annual or general or special meetings of Proprietors in respect of the stock subscribed, or hereafter to be subscribed, by Municipal Corporations, shall be given by the Mayor or Reeve of such Municipal Corporations respectively, under and subject to such resolutions as shall from time to time in that behalf be made by such Municipal Corporations respectively.



VIII. And be it enacted, That it shall and may be lawful for the Directors of the said Company for the time being, to issue shares for stock to be subscribed in England, or elsewhere, in such amounts respectively of sterling money of Great Britain as to such Directors shall from time to time seem fit, and to make the dividends thereon payable in like sterling money in England, or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and to regulate from time to time the number of votes which the holders for the time being of such shares to be issued in England, or elsewhere, shall have respectively, relatively to the amount of stock held by the respective Proprietors for the time being of such shares to be issued in England, or elsewhere, and in the proportion which the amount of a share issued in Canada shall bear to the amount of a share issued in England, or as near as possible thereto as the difference between currency and sterling will permit, and from time to time to appoint agents of the said Company in England, or elsewhere, and to delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and to make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of such shares in England, or elsewhere, and as to the mode, time and place or places of transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise, as shall be deemed requisite or beneficial for giving full effect to the power hereby vested in the Directors of the said Company, in respect of issuing such shares in England or elsewhere.

Directors may issue shares to be subscribed for in England or elsewhere.

They may appoint agents.

IX. And be it enacted and declared, That all calls upon the Capital Stock of the *Toronto and Guelph Rail-way Company*, already made, or which hereafter shall be made, the amount of which respectively has been prescribed, or which hereafter shall be prescribed by any By-law passed or to be passed at a general meeting of the Shareholders of the said Company, and of which due notice shall have been given in accordance with the provisions of the Rail-way Clauses Consolidation Act, shall be, and the same are hereby declared to be good and valid calls, in the same manner as if the maximum limit of the amount of such calls respectively had been prescribed in the said Act, intituled, *An Act to incorporate the Toronto and Guelph Rail-way Company*, or in this Act.

Certain calls on stock of Company declared valid.

X. And be it enacted, That this Act shall be construed as if the same formed part of the said Act, intituled, *An Act to incorporate the Toronto and Guelph Rail-way Company*, and that the several Clauses of the Rail-way Clauses Consolidation Act, mentioned in the fourth Clause of the said Act to incorporate the *Toronto and Guelph Rail-way Company*, shall be, and the same are hereby declared to be incorporated with this Act, and that in reciting for any purpose the said Act to incorporate the

How this Act shall be construed.

Short title.

the *Toronto and Guelph Rail-way Company*, it shall be sufficient to use the expression, *The Toronto and Guelph Rail-way Company Act*. And in reciting this Act, it shall be sufficient to use the expression, *The Toronto and Guelph Rail-way Amendment Act of 1852*.

Company  
may extend  
their Rail-  
way to Port  
Sarnia.

Increase of  
capital for  
such purpose.

Powers to  
apply to such  
extension.

XI. And be it enacted and declared, That it shall and may be lawful for the said *Toronto and Guelph Rail-way Company* to extend their said Rail-way from the Town of Guelph, and to construct a single, double, or other line of Rail-way, westerly from the said Town of Guelph through the Village of Stratford, and to the waters of the River St. Clair at the Port of Sarnia, and to make and erect all necessary erections, works and buildings for the proper use and enjoyment of such extension, and for that purpose to raise in such manner by loan, subscription of stock, issuing of shares, or otherwise, as to the Directors of the said Company for the time being shall seem fit, a further sum of one million Pounds, Provincial currency, or such further amount of Capital as shall from time to time be deemed to be necessary for the proper and efficient construction, maintenance and working of such extension; and that all Clauses of the Rail-way Clauses Consolidation Act which are incorporated with, or made part of the said Act incorporating the *Toronto and Guelph Rail-way Company*, and which are incorporated with or made part of this Act for the purpose of or in relation to the said Rail-way from the City of Toronto to the Town of Guelph, shall be, and the same are hereby declared to be incorporated with this Act for the purpose of constructing, maintaining and working the extension by this Clause authorized to be constructed westerly as aforesaid from the Town of Guelph, and that all the powers, authorities, indemnities, rights and privileges which from and after the passing of this Act shall and may be had, exercised and enjoyed by the said *Toronto and Guelph Rail-way Company*, and the Directors thereof respectively, in respect of the Rail-way authorized to be constructed by the said Company from the City of Toronto to the Town of Guelph, shall be had, held exercised and enjoyed by the said Company, and by the Directors thereof respectively, for the better and more effectual constructing, maintaining and working the extension by this Clause authorized to be constructed westerly from the said Town of Guelph, in the same manner and to the same extent as if such several and respective powers, authorities, indemnities, rights and privileges were herein separately, severally, distinctly and at large re-enacted or declared in respect of or for the purpose of or in relation to the constructing, maintaining and working the said extension by this Clause authorized to be constructed or intended so to be.

Public Act.

XII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others.



## CAP. XLII.

An Act to authorize the construction of a Rail-way from  
Galt to Guelph.

[10th November, 1852.]

**W**HEREAS it is highly desirable that a Rail-way should be made from the Terminus of the Great Western Rail-road, at the Town of Galt, to the Town of Guelph, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Isaac Buchanan, Wm. P. McLaren, H. McKinstry, Richard Juson, Edward Ritchie, Alexander Campbell, Wm. L. Diston, John Young, Geo. S. Tiffany, John Fisher, Hector Munro, Andrew Stuart, all of the City of Hamilton, Esquires, Doctor James Hamilton, of West Flamborough, John G. Grange, Absalom Shade, Andrew Elliott and William Dickson, all of the Town of Galt, Esquires, Jacob Hespeler, of the Village of Preston, Esquire, and together with such other persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Rail-way hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Rail-way, shall be, and are hereby united into a Company for constructing, maintaining and working the said Rail-way, according to the Rules, Orders and Directions of this Act, and shall for that purpose be one body corporate and politic by the name and style of *The Galt and Guelph Rail-way Company* ; and the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Galt and Guelph Rail-way*, from the Terminus of the Galt Branch of the Great Western Rail-road in the Town of Galt to the Town of Guelph, upon such line as may be found most advantageous for the purpose, the said line being first approved by the Governor in Council.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the Gauge of the said Rail-way Gauge shall be five feet six inches.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum

Stock to be raised.

Books of subscription to be opened.

Notice.

sum of money for making and completing the said Railway, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works ; Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the City of Hamilton and Towns of Galt and Guelph and elsewhere, as they may from time to time appoint, until the first meeting of Shareholders herein-after provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in the *Canada Gazette*, and such other newspapers as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions ; and every person who shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Company.

Amount of Stock.

To what purposes to be applied.

IV. And be it enacted, That the sum so to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of one hundred and forty thousand pounds currency ; and the money so to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and other the purposes of this Act, and to no other use, intent and purpose whatever.

Amount of each share.

V. And be it enacted, that the said Capital Stock of the said Company shall be divided in shares of twenty-five pounds currency, each, and each holder of or subscriber for any share or shares shall have a part of the profits of the said undertaking proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

First general meeting.

VI. And be it enacted, That the first general meeting of the subscribers to the said undertaking shall be held at the City of Hamilton, whenever one hundred shares in the Capital Stock of the said Company shall have been *bonâ fide* subscribed for, and at such meeting nine persons, being each a subscriber for at least twenty shares, shall be chosen Directors of the said Company, to hold their office until the first annual meeting of the



the Shareholders ; and due notice shall be given of the time and place of such first meeting by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription. Notice.

VII. And be it enacted, That the annual meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the Company, by which also the mode of calling Special Meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act, but no such By-law shall be inconsistent with the provisions of this Act, or with those of the Acts relative to the Great Western Rail-road Company which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province. Annual Meetings ;  
Special Meetings ;  
And other matters to be provided for by By-laws.

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Rail-road Company*, and of the Acts of the Parliament of this Province, reviving, extending or amending the same, or relating to the Company thereby incorporated, and now called the Great Western Rail-road Company, which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted and the Rail-way which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Rail-way. Certain provisions of the Acts relating to the Great Western Rail-road Company incorporated with this Act.

IX. And be it enacted, That the said Company shall have power to borrow money to an amount not exceeding in the whole the sum of fifty thousand pounds, but, except only as regards the amount to be borrowed, the provisions of Acts above referred to as to loans raised by the Great Western Rail-road Company, shall apply to those raised by the Company hereby incorporated. Company may borrow money.

X. And be it enacted, That this Act shall be a Public Act. Public Act.

### CAP. XLIII.

An Act to incorporate The Grand Junction Rail-road Company.

[10th November, 1852.]

WHEREAS George Benjamin, Esquire, Warden of the County of Hastings, William Hamilton Ponton, Esquire, Mayor of the Town of Belleville, James Ross, of Belleville, Preamble.

Esquire, and others, have petitioned the Legislature to incorporate a Company to construct a Rail-road from Belleville to Peterborough, and thence, to the City of Toronto, or to some point East of the said City of Toronto, to intersect the Main Trunk Line of Rail-way proposed to be constructed, and also from Peterborough or some point west thereof on the preceding section to such place on Lake Huron as may be decided upon by the said Company, and it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John George Bowes, Thomas G. Ridout, William Fabian Meudell, of Toronto, Esquires, Edmund Murney, Peter Robertson, George Benjamin, Henry Bull and James Ross, of Belleville, Esquires, James Sanson the elder, of Orillia, Esquire, Kenneth Cameron, of Thorah, Esquire, John Langton, George Barker Hall and Thomas Short, of Peterborough, Esquires, with all such other persons or Corporations as shall become Shareholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, by and under the name and style of "The Grand Junction Rail-road Company."

Certain persons incorporated.

Corporate name.

Certain clauses of 14 & 15 Vic, c. 51, incorporated with this Act.

II. And be it enacted, That the several clauses of the "Rail-way clauses consolidation Act," with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and Fines and Penalties, and their prosecution," "Working of the Rail-way," and "General Provisions," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained; subject always to the following modification of the ninth sub-section of the clause of the said Act, headed "Plans and Surveys," that is to say, that lands to the extent of twenty acres may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf for Stations, Depots, or other works in any City or Town, containing more than five thousand inhabitants, that a like extent may be so taken at Peterborough, and that fifty acres may be so taken at the Terminus on Lake Huron.



III. And be it enacted, That the said Company and their Agents or Servants shall have full power under this Act, to lay out, construct, make and finish a double or single Iron Railroad or Way, at their own cost and charges, on or over any or all of the three following sections, that is to say, on and over any part of the Country lying between Belleville and Peterborough, and thence from the said Town of Peterborough, south-westerly, to the City of Toronto, or to some point east of the said City of Toronto, to intersect the Main Trunk Line of Rail-way proposed to be constructed, and also from Peterborough aforesaid, or some point west thereof on the preceding section, to such place on Lake Huron as may be decided upon by the said Company : Provided always, that the said Company shall first obtain the sanction and approval of the Government, to the line selected by them for the location of the said Road, and to the plans and specifications thereof, and that the said Company shall construct the said Rail-way on the line and in the manner approved of by the Government.

Where the  
Railway  
shall be made.

Proviso.

IV. And be it enacted, That all Deeds and Conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyances will admit, be made in the form given in the Schedule of this Act marked A. And for the purpose of a due enregistration of the same, all Registrars in their respective Counties are hereby required to procure a Book with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said Book to enter and register the said Deed upon production thereof, and proof of execution, without any memorial, and to minute such entry on the said Deed. And the said Company are to pay the said Registrars for so doing the sum of Two Shillings and Six Pence, and no more, which said enregistration shall be held and deemed to be valid in Law ; the provisions of any Act for the enregistration of Deeds, now in force in this Province, to the contrary notwithstanding.

Conveyances  
to the Com-  
pany to be in  
a certain form.

Fee to Re-  
gistrar.

V. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of One Million Pounds sterling, to be divided into Fifty Thousand Shares of Twenty Pounds sterling each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become Shareholders in such Stock, and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the Surveys, Plans and Estimates connected with the Rail-way, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Rail-way and other purposes of this Act, and to no other purpose whatever : Provided always,

Capital Stock.

Application  
thereof.

Proviso.

always, that until the said preliminary expenses connected with the said Rail-way shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any County, City or Town on the Line of the said Road, to pay out of the General Funds of the said Municipality, their fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

First Directors  
named.

VI. And be it enacted, That John G. Bowes, Thomas G. Ridout, William Fabian Meudell, Edmund Murney, George Benjamin, Henry Bull, James Ross, Peter Robertson, James Sanson the elder, Kenneth Cameron, John Langton, George Barker Hall, and Thomas Short, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make a call on the Shares subscribed in such Books, and call a meeting of Subscribers for the Election of Directors in manner hereinafter provided.

Subscription  
Books to be  
opened.

VII. And be it enacted, That the said Directors are hereby empowered to take all necessary measures for opening the Stock Books, for the subscription of parties desirous to become Shareholders in the said Company, and to determine and allot to parties subscribing for Stock in the said Company, the number of shares, (if any,) that parties so subscribing, may have and hold in the Capital Stock aforesaid; Provided always, that no subscription in the said Stock Books shall create the party or parties so subscribing, a partner or partners in the said Company, without and until the authorization thereof by the Directors of the Company for the time being; Provided also, that no such approval or authorization as aforesaid, shall be required to confirm the subscriptions of Municipalities or other Corporate Bodies empowered to take Stock in Rail-way Companies.

Proviso.

Proviso.

Entry of al-  
lotments of  
shares.

VIII. And be it enacted, That the said Directors shall cause an entry to be made in the Records of their proceedings and in the Shareholders' Book, of the Stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties, in writing, of such allocation and assignment.

Effect of such  
entry.

IX. And be it enacted, That upon such entries being made, the rights and liabilities of such Shareholder or Shareholders shall accrue in respect of his, her or their particular interest in the said Company.

First General  
Meeting, and  
election of  
Directors.

X. And be it enacted, That when and so soon as one-fifth of the said Capital Stock shall have been subscribed, allotted and authorized, it shall be lawful for the said Directors, or a majority



majority of them, to call a Meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same, in one or more newspapers published in the City of Toronto, and in the Towns of Peterborough and Belleville, at which said General Meeting, and at the Annual General Meeting in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect twelve Directors, in manner as hereinafter mentioned, of whom six Directors shall be chosen by Municipal Corporations being Shareholders, according to the scale of votes hereinafter mentioned, and six by private Shareholders; which said twelve Directors shall hold office until the first Monday in June following.

Term of  
Office.

XI. And be it enacted, That on the said first Monday in June, and on the first Monday in June in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the Shareholders twelve Directors, in manner hereinafter mentioned; and public notice of such Annual Election shall be published one month before the day of Election, in the *Canada Gazette*, and also, once at least, fifteen days before the Election, in one newspaper in each City or Town or County on the line of Road: And all Elections for such Directors shall be by ballot, and the persons who shall have the greatest number of votes, at any Election, shall be the Directors, and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the Election by another or other votes, until a choice is made; and if any vacancy shall at any time happen among the Directors by death, resignation, or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and that the said twelve Directors, shall form the Board of Directors.

Annual  
General  
Meetings.

Elections to  
be by ballot.

Vacancies  
how filled.

XII. And be it enacted, That a majority of the said Directors shall form a *quorum* for the transaction of business: Provided that the said Directors may employ one or more of their said number as paid Director or Directors.

Quorum of  
Directors.  
Provido.

XIII. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any Shareholder holding at least twenty shares in the Stock of the said Company, who shall have paid up all calls on the said shares.

Qualification  
of Directors.

XIV. And be it enacted, That the Stock to be subscribed for by Municipal Corporations shall be represented by the Mayor, Warden or Reeve from time to time being of such Municipal Corporations subscribing to The Grand Junction Rail-road Company, or by such person to be appointed by such Municipal Corporations respectively; and that such Mayor, Warden or Reeve, or person deputed as aforesaid, shall, at the Election

How Stock  
held by Muni-  
cipalities shall  
be represent-  
ed.

of

Proviso.

of six Directors to be chosen by Municipal Corporations as aforesaid, be entitled to vote in respect of the Stock subscribed for by such respective Municipal Corporations in the proportion following, that is to say : one vote for every Fifty Shares subscribed for by such Municipality : Provided always, that on every occasion other than the election of Directors, the Mayor, Warden, Reeve, or person representing Municipalities, shall be entitled to the number of votes proportioned to the number of shares held by the Municipal Corporation to the same extent as private Shareholders.

Proportion of votes to shares.

XV. And be it enacted, That each Shareholder, holding less than two hundred Shares, shall be entitled to the number of votes proportioned to the number of Shares which he or they shall have had in his or their name at least two weeks prior to the time of voting ; Provided that no one Shareholder as aforesaid, shall have more than three hundred votes. Provided also, that no Municipal Corporation, shall vote or be entitled to vote at any election of the six Directors to be chosen by the

Proviso.

private Shareholders. And provided further, that no party or parties shall be entitled to vote at the Meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such Meeting.

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And provided further, that no party or parties shall be entitled to vote at the Meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such Meeting.

Calls on Stock.

XVI. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments upon each share which they or any of them may hold in the Capital Stock of the said Company in such proportions as they may see fit, so as no such instalment shall exceed ten per cent, giving at least one month's notice for each call, in such manner as they shall appoint.

Tolls how fixed.

XVII. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Road, subject always to the approval of the Governor in Council, as is provided by the Rail-way clauses consolidation Act : Provided always, that in no case shall the amount charged for toll and charges, exceed, for First Class Passengers, two pence currency per mile, and for Second Class Passengers, one penny half penny currency, per mile, and for Third Class Passengers, one penny currency, per mile, and that one train, having therein Third Class covered passenger cars, shall be run over the said road throughout its length each way daily.

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Part of s. 18 of 14 & 15 Vic. c. 51, not to apply.

XVIII. And be it enacted, That sub-section three of section eighteen of the Rail-way clauses consolidation Act, shall not be incorporated with this Act.



XIX. And be it enacted, That the said Company shall have power to become parties to Promissory Notes, and Bills of Exchange for sums not less than twenty-five pounds, and any such Promissory Note, made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, is and shall be binding upon the said Company; and every such Promissory Note or Bill of Exchange, so made, drawn, accepted or endorsed by the President or the Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever: *Provided* always that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Company may be parties to promissory notes, &c.

*Provido.*

XX. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate for the use of the said Rail-way, but not to alienate, so much of the wild land of the Crown, not heretofore granted or sold, lying on the route of the said Rail-way, as may be necessary for the said Road; as also, so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works, as to the Company shall seem meet: *Provided* always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Rail-way shall be carried: And if the said Rail-way shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company, to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor

Company may take beach lots.

Provision for preventing obstruction to the navigation of any River, &c.

Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Guage.

XXI. And be it enacted, That the guage of the said Railway shall be five feet six inches.

Aliens may vote, &c.

XXII. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, to vote on the same, and be eligible to office in the said Company.

Government may assume the Rail-road.

XXIII. And be it enacted, That the Provincial Government may at any time after the commencement of the said Rail-way, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights and privileges and advantages vested in the said Company ; all of which shall, after such assumption, be vested in Her Majesty, on the Government giving to the Company four months' notice of the intention to assume the same.

Compensation to be made in case of such assumption.

XXIV. And be it enacted, That the Government shall, within four months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities, up to the time of such assumption, pay to the said Company the whole amount of the money so expended and of the liabilities so ascertained, together with interest at the rate of six per cent., and ten per cent. additional thereon after deducting the amount of any dividends before then declared, and the said Government shall also, from time to time, pay and discharge all liabilities of the Company not ascertained at the time of such assumption, as the same shall be established against the said Company.

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Provided always, That in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company ; and, in case of disagreement, such difference shall be referred to an Umpire, to be chosen by the said Arbitrators before entering into the consideration of the said difference,

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and that the said award so made by the Arbitrators or the Umpire shall be final ; and provided also that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two of the Judges of either of the Superior Courts of Common Law for Upper Canada on application of the Government.



## SCHEDULE A.

## FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of  
*(here, name the wife if any)*, do hereby in consideration of  
*(here the sum)* paid to me by The Grand Junction Rail-way  
 Company, the receipt whereof is hereby acknowledged, grant,  
 bargain, sell, convey and confirm unto the said The Grand  
 Junction Rail-way Company, their Successors and Assigns for  
 ever, all that certain tract or parcel of land situate *(here describe*  
*the land)* the same having been selected and laid out by the said  
 Company for the purposes of their Road. To have and to hold  
 the said land and premises, together with the hereditaments  
 thereto, to the said The Grand Junction Rail-way Company,  
 their Successors and Assigns for ever, *(here dower if any.)*

Witness my Hand and Seal, this                      day of                      One  
 thousand eight hundred and

L. S.

Signed, Sealed and delivered  
 in presence of

## CAP. XLIV.

An Act to incorporate *The Hamilton and Toronto*  
*Rail-way Company.*

[10th November, 1852.]

**W**HEREAS it is highly desirable that a Rail-way should Preamble.  
 be made from the Terminus of the Great Western  
 Rail-road at the City of Hamilton, to the City of Toronto,  
 and the persons hereinafter mentioned have petitioned to be  
 incorporated for that purpose : Be it therefore enacted by the  
 Queen's Most Excellent Majesty, by and with the advice and  
 consent of the Legislative Council and of the Legislative  
 Assembly of the Province of Canada, constituted and assembled  
 by virtue of and under the authority of an Act passed in the  
 Parliament of the United Kingdom of Great Britain and Ireland,  
 and intituled, *An Act to re-unite the Provinces of Upper and*  
*Lower Canada, and for the Government of Canada*, and it is  
 hereby enacted by the authority of the same, That Robert W.  
 Harris, of the City of Liverpool, Merchant, Samuel Laing, of the  
 City of Brighton, Member of the House of Commons, John  
 Masterman, of the City of London, Banker, Peter Buchanan,  
 of the City of Glasgow, Merchant, William Shaw, of the City  
 of London, Esquire, Isaac Buchanan, Henry McKinstry, W.  
 P. McLaren, Richard Juson, John Young the elder, George S.  
 Tiffany, William L. Distin, John Fisher, Hector Munro,  
 Edmond Ritchie, Alexander Campbell, Andrew Stuart, all of  
 the City of Hamilton, Esquires, Sir Allan Napier MacNab, of  
 Dundurn, the Honorable William Allan, the Honorable William  
 B.

Certain per-  
 sons incorpo-  
 rated.

B. Robinson, William Caley, Joseph C. Morrison, Thomas G. Ridout, and John Cameron, all of the City of Toronto, Esquires, Doctor James Hamilton, of West Flamborough, Walter H. Dickson, of the Town of Galt, Esquire, together with such other persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Rail-way hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Rail-way, shall be and are hereby united into a Company for constructing, maintaining and working the said Rail-way, according to the Rules, Orders and Directions of this Act, and shall for that purpose be one body corporate and politic, by the name and style of *The Hamilton and Toronto Rail-way Company*; and the said Company shall be, and are hereby authorized and empowered, from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Toronto and Hamilton Rail-way*, from the Terminus of the Great Western Rail-road at the City of Hamilton, to the City of Toronto, upon such line as may be found most advantageous for the purpose, the said line being first approved by the Governor in Council, and also to make and complete a Branch Rail-way from such point on the Great Western Rail-road as they may deem most advantageous, to Port Dalhousie on Lake Ontario.

Corporate name.

Line of Rail-way to be made by them.

Branch to Port Dalhousie.

Guage.

Main Rail-way to be part of Main Trunk Line.

Company to raise capital for making the Rail-way.

Books of subscription to be opened.

Notice.

II. And be it enacted, That the Guage of the said Rail-way and of the said Branch Rail-way, shall be five feet six inches, and the said Rail-way (but not the said Branch Rail-way,) shall be held to form part of the Main Trunk Line of Rail-way, and the said Company shall accordingly upon complying with all the provisions of the law in that behalf, be entitled to the benefit of the Guarantee of the Province, to the extent and in the manner by law provided.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Rail-way and Branch, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Rail-way and Branch and other works: Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened simultaneously in the Cities of Hamilton and Toronto, and afterwards in such other places as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in the *Canada Gazette*, and



and such other newspapers as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions ; and every person who shall write his or her signature in such book as a subscriber to the said undertaking, and shall, at the time of subscription, pay to the persons authorized to receive the said subscriptions, ten per centum on the amount of Stock so subscribed for, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Company ; Provided always, that the said parties, or the majority, may reserve one half of the whole Capital Stock of the said Company for subscription in Great Britain, if they deem it expedient.

Ten per cent  
to be paid  
down.

Proviso.

IV. And be it enacted, That the sum so to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of four hundred and fifty thousand pounds, currency ; and the money so to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Rail-way and Branch, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Amount capital stock.

To what purposes to be applied.

V. And be it enacted, That the said Capital Stock of the said Company shall be divided into shares of twenty-five pounds currency, each, and each holder of or subscriber for any share or shares shall have a part of the profits of the said undertaking, proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

Amount of each share.

VI. And be it enacted, That the first general meeting of the subscribers to the said undertaking shall be held at the City of Hamilton, whenever four hundred and fifty shares in the Capital Stock of the said Company shall have been *bonâ fide* subscribed for, and ten per centum paid thereon as aforesaid, and at such meeting nine persons being each a subscriber for at least forty shares, who shall have paid ten per centum thereon, shall be chosen Directors of the said Company, to hold their office until the first annual meeting of the Shareholders ; and due notice shall be given of the time and place of such first meeting by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription.

First general meeting.

Election of Directors.

Notice.

VII.

Annual meetings.

Special meetings, and other matters, to be regulated by By-law.

VII. And be it enacted, That the annual meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the Company, by which also the mode of calling special meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with the provisions of this Act, or with those of the Acts relative to the Great Western Rail-road Company, which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province.

Certain provisions of the Acts relating to the Great Western Rail-way Company (U. C. 4 W. 4, c. 29) incorporated with this Act.

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Rail-road Company*, and of the Acts of the Parliament of this Province, reviving, extending, or amending the same, or relating to the Company thereby incorporated, and now called the Great Western Rail-road Company, which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Rail-way and Branch which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Rail-way and Branch.

Company may borrow £100,000, and under what provisions.

IX. And be it enacted, That the said Company shall have power to borrow money to an amount not exceeding in the whole the sum of one hundred thousand pounds; but except only as regards the amount to be borrowed, the provisions of the Acts above referred to, as regards loans raised by the Great Western Rail-road Company, shall apply to those raised by the Company hereby incorporated.

Public Act.

X. And be it enacted, That this Act shall be a Public Act.

## C A P. XLV.

An Act to authorize the Brantford and Buffalo Joint Stock Rail-road Company to construct a Railway from Fort Erie to Goderich.

[10th November, 1852.]

Preamble.  
Recital.

**W**HEREAS certain persons having associated themselves together, for the purpose of constructing a Railroad from Fort Erie to intersect the Great Western Railroad at or near the Town of Brantford, and having complied with all the requirements of the Act passed in the twelfth year of Her Majesty's Reign,



Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, did, under the provisions of the said Act as extended by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend and extend the provisions of an Act passed in the twelfth year of Her Majesty's Reign*, intituled, '*An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*,' become a body corporate by the name and style of *The Brantford and Buffalo Joint Stock Railroad Company*, and were by that name acknowledged by the Legislature in the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to repeal so much of the Act thirteenth and fourteenth Victoria, chapter seventy-two, as relates to the construction of Railways*, and were therein expressly exempted from the effect thereof; And whereas the said Brantford and Buffalo Joint Stock Railroad Company have expended large sums of money on their Railway between Fort Erie and Brantford, so that the works on the said Railway are in a very advanced state; And whereas the said Company have by their petition, represented that being desirous of extending their said Railway from the Town of Brantford aforesaid through the Towns of Paris and Stratford to the Town of Goderich, in the County of Huron, and holding themselves to be thereunto empowered by the provisions of the Act passed in the Session last aforesaid, and intituled, *An Act to amend the Act intituled, 'An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada'*, they prepared to extend their said Railway accordingly, and opened books of subscription for raising the additional Stock required for the purpose, and obtained subscribers for the same, and that among others the County Council of United Counties of Huron, Perth and Bruce have resolved to empower the Warden thereof to subscribe for shares in the Stock of the said Company to the amount of one hundred and twenty-five thousand pounds, and have adopted for publication, and have printed, published and passed the requisite By-law; and that the said Company have caused surveys and plans to be made for the proposed extension; And whereas the said Company have further represented, that although they believe their powers under the Acts aforesaid to be sufficient to enable them to effect such extension as aforesaid, yet that numerous advantages would accrue as well to themselves as to the public, if the provisions of *The Railway Clauses Consolidation Act*, passed in the now last session, were extended to them, and their rights and duties were regulated by its enactments; And whereas it is right and for the public good to grant the prayer of the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly

12 Vict., c. 84.

13 & 14 Vic.  
c. 72.14 & 15 Vic.  
c. 121.14 & 15 Vic.  
c. 122.

Name of company changed.

Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Incorporated Company hereinbefore mentioned heretofore known by the name of *The Brantford and Buffalo Joint Stock Railroad Company*, shall, from and after the passing of this Act, be a body corporate by the name or style of *The Buffalo, Brantford and Goderich Railway Company*, and by that name the present members of the said Brantford and Buffalo Joint Stock Railroad Company, and all such persons and parties as shall under the provisions of this Act become Shareholders in the Railway hereby authorized to be made, their several and respective heirs, executors, administrators, successors and assigns, shall be and remain an incorporated Company for constructing, maintaining and working the Railway hereinafter mentioned, under the provisions of this Act, and the said Company shall be and are hereby authorized and empowered by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway to be called *The Buffalo, Brantford and Goderich Railway*, from the Niagara River at or near Fort Erie in the Township of Bertie, in the County of Welland, to the Town of Brantford, in the County of Brant, and thence through Paris and Stratford to the waters of Lake Huron at the Town of Goderich, on Lake Huron, in the County of Huron.

Company empowered to construct a certain Railway.

Property and liabilities of the Company to continue in them by their real name.

Change of name not to make that Company a new Corporation.

II. And be it enacted, That from and after the passing of this Act, all and singular the property of the said Brantford and Buffalo Joint Stock Railroad Company, whether the same be real or personal estate, or of what kind and nature soever, shall be and become the property of the Buffalo, Brantford and Goderich Railway Company, and of their successors and assigns, and the Buffalo, Brantford and Goderich Railway Company shall thenceforth be subject to be held responsible for all contracts, agreements and obligations made and entered into by the said Brantford and Buffalo Joint Stock Railroad Company, or which shall or may thereafter be made or entered into by the President of the said Company under the authority of any By-laws or Resolutions of the said Company; Provided always, and be it declared and enacted, That neither the change made by this Act in the name of the said Company, nor any thing else herein contained, shall be construed to make the said Company a new Company or a new Corporation, so as to cause any action, suit or proceeding to which the said Company may be a party to abate or cease, but the same may, upon suggestion of the passing of this Act, be continued by or against the said Company, by the name hereby assigned to it; and every subscription to the Stock of the said Company by its present name shall be to all intents and purposes as binding, valid and



and effectual, and shall vest in and impose upon the subscriber the same rights and liabilities as if made after the passing of this Act and to the Stock of the said Company by the name hereby assigned to it.

III. And be it enacted, That the By-laws, Rules and Regulations of the said Company made before the passing of this Act, shall remain in force, and shall apply to be the whole Railway hereby authorized to be constructed, in so far and in so far only as they may be consistent with the provisions of this Act, and until they shall be repealed, altered or amended by others to be made under this Act, and the provisions of the Act herein first above mentioned and of the Act amending the same, under which the said Company was originally constituted and has heretofore acted, shall after the passing of this Act cease to apply to the said Company or to their Railway and works, except in so far as relates to rights acquired under the said Acts or either of them by the said Company or others, and except in so far as relates to any action, suit or proceeding commenced by or against the said Company before the passing of this Act, which shall be continued, governed and completed by and under the provisions of the Acts last referred to.

Present By-laws to remain in force until altered.

IV. And be it enacted, That the several clauses of *The Railway Clauses Consolidation Act*, passed during the now last Session of the Provincial Parliament, with respect to the first, second, third and fourth clauses thereof, and also the several clauses, of the said last mentioned Act, with respect to "Interpretation," "Powers," "Plans and Survey," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity and Fines and Penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as it may be expressly otherwise provided by this Act, or as they may be inconsistent with the express enactments thereof; and the expression "this Act," when used herein, shall be understood to include the Provisions of *The Railway Clauses Consolidation Act* which are incorporated with this Act as aforesaid.

Certain clauses of 14 & 15 Vic., c. 51, incorporated with this Act.

V. And be it enacted, That any Shareholder in the said Company whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal right to hold stock in the said Company, to vote on the same, and to be eligible to office in the said Company.

Aliens may vote.

VI. And be it enacted, That it shall and may be lawful for the said *Buffalo, Brantford and Goderich Railway Company* to increase the Capital Stock of the said Company, by such

Increase of capital authorized.

Amount of  
each share.

sums as may be required to enable them to complete the said Railway from the Niagara River at or near Fort Erie in the Township of Bertie, to the Town of Goderich aforesaid, *via* the Towns of Brantford, Paris and Stratford aforesaid, and for the completion of the works necessary for the efficient working and maintaining of the said Railway; provided the whole Capital Stock of the said Company shall not at any time exceed the sum of one million pounds; and the said Capital Stock shall be divided into shares of five pounds each; and such increase of Capital Stock may be effected either by the admission of new subscribers or Shareholders, or the additional sum may be raised by subscription among the present Shareholders, or such increase may be effected in both the said ways.

Proportion of  
votes to  
shares.

VII. And be it enacted, That any party or parties holding Stock in the Company hereby incorporated to the amount of one hundred shares, or any amount less than one hundred shares, shall at the meetings of the Shareholders have one vote for each share; and for any amount over one hundred shares and not over six hundred shares, one vote to two shares; and for any amount over six hundred, and not over fifteen hundred shares, one vote to three shares; and for any amount exceeding fifteen hundred shares, one vote to four shares.

Present Di-  
rectors to re-  
main in Office  
until next  
annual meet-  
ing.

VIII. And be it enacted, That the present Directors of the said Company shall continue in office as such, until the second Monday in June, in the year one thousand eight hundred and fifty-three, and that on the said day, and on the second Monday in June, in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the said Shareholders shall be held at the office of the Company, for the time being, to choose nine Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Shareholders holding together one thousand shares at least, that a special general meeting of Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice, at least, to be given thereof in three public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice, the time and place, and the reason and intention of such special meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them, with respect to the matters so specified only, and all such acts of the Shareholders or the majority of them at such special meetings assembled, such majority not having either as principals or proxies less than one thousand shares, shall be as valid to all intents and purposes as if the same were done at annual meetings; and after the said second Monday in June, one thousand eight hundred and fifty-three, the number of Directors of the said Company shall always

Special ge-  
neral meeting.

Number of  
Directors.



always be nine, and they shall hold their office from the time of their election until the next annual meeting, or until others shall be elected in their stead, but any Directors may be re-elected; and at any meeting of the said Directors, five Directors shall be a quorum, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided that no person shall hereafter be elected a Director who shall not hold at least ten shares in the stock of the Company.

Quorum.

Proviso.

IX. And be it enacted, That the Gauge of the said Railway shall be five feet six inches, and neither more nor less.

X. And be it enacted, That for and notwithstanding any thing in any Act or law to the contrary, it shall be lawful for the said Company hereby incorporated to hold to them and to their successors and assigns, as lessees of the Crown, the Ferry at Fort Erie Rapids, subject to the conditions and restrictions and according to the terms mentioned and contained in the lease thereof to the said Brantford and Buffalo Joint Stock Railroad Company, and to possess, exercise and enjoy all the powers, rights and privileges which appertain thereto, and from time to time to obtain a renewal thereof, and also from time to time to construct, purchase, own and maintain one or more Ferry Boats for the purpose of transporting goods and passengers to and from the United States, according to the terms of the Lease aforesaid, and to subscribe, purchase and hold shares in the Stock of any Railroad from Black Rock to the City of Buffalo.

Company may hold stock in other Companies of certain kinds.

XI. And be it enacted, That for and notwithstanding any Act or law to the contrary thereof, the provisions of By-law number five of the County Council of the United Counties of Huron, Perth and Bruce, intituled, *A By-law to authorize the Warden of the United Counties of Huron, Perth and Bruce to issue Debentures in payment of twenty-five thousand shares of the increased Capital Stock of the Brantford and Buffalo Joint Stock Railroad Company*, and also of any By-law or By-laws of any other Municipal Corporation in Upper Canada already passed, or which may have been adopted for publication, and are now in progress of being passed for the purpose of authorizing the Mayor, Warden, or Reeve of such Municipality, to acquire stock in the said Brantford and Buffalo Joint Stock Railroad Company, shall extend and apply to the Buffalo, Brantford and Goderich Railway Company; and the Mayor, Warden, or Reeve of such Municipality respectively, is hereby authorized and empowered to subscribe for stock in and to issue Debentures to the said last mentioned Company, in the same manner and with the like force and effect as now is or shall as aforesaid be authorized and provided for by any By-law already passed or to be passed in relation to the said Brantford and Buffalo Joint Stock Railroad Company.

Other Companies may hold Stock in this Company.

City of Buffalo may appoint Directors.

XII. And whereas the City of Buffalo, in the State of New York, one of the United States of America, is, by virtue of an Act of the Legislature of the said State, empowered to acquire and hold, and the said City does now hold, seven thousand five hundred shares in the Capital Stock of the said Brantford and Buffalo Joint Stock Railroad Company; and whereas provision is made in the said Act for the nomination by the Common Council of the said City of one Director of the said Company for every three thousand seven hundred and fifty shares held therein by the said City; and whereas it is expedient to empower the said Common Council to appoint one or more Directors of the said Company accordingly: Be it therefore enacted and declared, That it shall be lawful for the Common Council of the said City of Buffalo, at any time within one month next preceding the annual election of Directors of the Buffalo, Brantford and Goderich Railway Company, to nominate and appoint one or more persons to be a Director or Directors of the said last mentioned Company, in the proportion of one Director for every three thousand seven hundred and fifty shares of the Capital Stock of the said Company, which shall, at the time of such nomination and election, be held and owned by the said City; and every such person so nominated and appointed, shall, without other qualification, on the day of such election, and thenceforth until the then next ensuing election of Directors, be and become a Director of the said Company: Provided always, that the said Common Council shall not be allowed to vote by virtue of their shares so to be held by them as aforesaid, for the election of any Director or Directors at any meeting of the said Company for that purpose assembled.

Proviso.

Ratification of Mortgage Deed of August, 1852.

XIII. And whereas the said Brantford and Buffalo Joint Stock Railroad Company have executed under their Corporate Seal, Bonds to the amount of one hundred and twenty-five thousand pounds Sterling, in sums of two hundred pounds Sterling, each, payable at the counting house of Messrs. Baring Brothers and Company, London, England, on the first day of August, one thousand eight hundred and seventy-two, with interest at six per cent. per annum, payable semi-annually to Arunah Huntington, or the holder thereof, which Bonds are secured by a mortgage deed bearing date the twenty-fifth day of August, one thousand eight hundred and fifty-two, executed under the Corporate Seal of the said last mentioned Company, to certain Trustees therein named, whereby the lands, railways, rails, fences, warehouses, buildings, fixtures and appurtenances to the said Company belonging, together with the tolls, income and profits to be derived from the same, are mortgaged and pledged in trust as a security for the payment of the said sum of one hundred and twenty-five thousand pounds, with the interest to accrue thereon, according to the tenor and effect of the said mortgage deed; and whereas it is expedient to ratify, confirm, and



and make valid the said Bonds and mortgage deed, and to provide that the same shall be chargeable and obligatory upon the Company hereby incorporated : Be it therefore enacted and declared, That from and after the passing of this Act, the said several Bonds of the Brantford and Buffalo Joint Stock Railroad Company, so as aforesaid executed, to the amount of one hundred and twenty-five thousand pounds, shall be and become obligatory and of force according to the purport, conditions and tenor thereof, upon the Buffalo, Brantford and Goderich Railway Company, in the same manner and with the same force and effect as if the said Bonds had been originally made and executed by and in the name of the said last mentioned Company, and that the said mortgage deed for securing the payment of the said Bonds is and shall continue to be and subsist as good, valid and obligatory upon the Buffalo, Brantford and Goderich Railway Company, according to the purport and terms thereof, in respect of all and singular the property, privileges and effects therein mentioned, and the covenants, agreements and provisoes contained therein : And the said Bonds and the Interest Warrants annexed thereto, together with all Bonds and Interest Warrants which shall at any time hereafter be issued by the said Buffalo, Brantford and Goderich Railway Company, payable to bearer, under the provisions of the Railway Clauses Consolidation Act, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Bonds, &c.,  
assignable by  
delivery.

XIV. And be it enacted, That all deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyances will admit, be made in the form given in the Schedule of this Act, marked A.

Conveyances  
to Company—  
form.

XV. And be it enacted, That unless the said Company shall within one year from the passing of this Act, commence the construction of that portion of the said Railway extending from Stratford to the Town of Goderich, and finish the same in three years from the fifteenth day of May next, the authority of the said Company to commence and construct such portion of the said Railway from Stratford to Goderich, and all the rights hereby conferred upon the said Company so far as relates to such portion of the said Railway, shall wholly cease and determine.

Extension to  
Goderich  
within three  
years.

XVI. And be it enacted, That this Act shall be a Public Act. Public Act.

## SCHEDULE A.

## FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of  
*(here, name the wife if any)* do hereby in consideration of  
*(here the sum)* paid to me by The Buffalo, Brantford and Goderich Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said The Buffalo, Brantford and Goderich Railway Company, their Successors and Assigns for ever, all that certain tract or parcel of land situate *(here describe the land)* the same having been selected and laid out by the said Company for the purposes of their Road. To have and to hold the said land and premises together with the hereditaments thereto, to the said The Buffalo, Brantford and Goderich Railway Company, their Successors and Assigns for ever, *(here, dower if any.)*

Witness my Hand and Seal, this                      day of                      One  
 thousand eight hundred and

L. S.

Signed, Sealed and delivered  
 in presence of

## CAP. XLVI.

An Act to authorize *The Montreal and New York Rail-road Company* to extend their Rail-road, and to acquire the Land necessary for such extension, and for other purposes relative to the said Company.

[10th November, 1852.]

Preamble.

Act 13 & 14 v.  
c. 112, cited.

**W**HEREAS in and by an Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the Union of the Montreal and Lachine Rail-road Company, and of the Lake Saint Louis and Province Line Rail-way Company, and for other purposes connected with the said Companies*, the Union of the said Montreal and Lachine Rail-road Company and of the said Lake Saint Louis and Province Line Rail-way Company was authorized, and it was provided that on their complying with certain conditions the said two Companies should be united and form one Company by the name of the "Montreal and New York Rail-road Company." And whereas in conformity with the provisions and conditions prescribed in and by the said Act, the said Montreal and Lachine Rail-road Company and the said Lake Saint Louis and Province Line Rail-way Company have united together, to the intent that they should in law and in fact, upon, from and after the first day of January now last, constitute one Company, under the name and style aforesaid,  
 in



in the manner by the said Act provided: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Montreal and Lachine Rail-road Company, and the said Lake Saint Louis and Province Line Rail-way Company, having conformed to and complied with the provisions and conditions of the said Act, intituled, *An Act to authorize the union of the Montreal and Lachine Rail-road Company with the Lake Saint Louis and Province Line Rail-way Company, and for other purposes connected with the said Companies* in that behalf, and so having united themselves into one Company, under the name and style of *The Montreal and New York Rail-road Company*, have become, and the said two Companies hereby are declared to have become one Company, upon the said first day of January now last, and the Members thereof, together with such person or persons as shall under the provisions of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, and of a certain other Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to amend the Act to incorporate the Montreal and Lachine Rail-road Company, and for other purposes therein mentioned*, and of a certain other Act made and passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act further to amend the Act incorporating the Montreal and Lachine Rail-road Company, and for other purposes*; and of a certain other Act made and passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Lake Saint Louis and Province Line Rail-way Company*, and of the Act above cited in the preamble to this Act or of this Act, become subscribers to and proprietors of any share or shares in the said Montreal and New York Rail-road, and in the branches and extensions of the same and other works intended and hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are, have been and shall be one Company for carrying on, making, completing and maintaining the said Montreal and New York Rail-road, and the other works contemplated and authorized by this Act, according to the rules, order and directions in the Acts hereinbefore mentioned, or those of them which may remain in force and those in this Act expressed and prescribed, and are and shall for that purpose be one Body Politic and Corporate by the name of *The Montreal and New York Rail-road Company*, and by that name have and shall have perpetual

The two Companies declared to have become one Company on the 1st January, 1852, and to form one body corporate from the said day.

9 Vic. c. 82.

10 & 11 V. c. 63.

12 V. c. 177.

10 & 11 V. c. 120.

Corporate Rights.

perpetual succession and a Common Seal, and other the usual power and rights of Bodies Corporate, not inconsistent with this Act, or with such of the enactments of the Acts aforesaid as may remain in force, and by that name may sue and be sued, and shall receive and enjoy all the rights, power, privileges and authorities whatsoever, which the said Montreal and Lachine Rail-road Company, or the said Lake Saint Louis and Province Line Rail-way Company, or either of them, might or could, under and by virtue of any or all of the Acts of Parliament hereinbefore cited and referred to, have received and enjoyed, in as full and ample a manner as if the said Acts had been made and passed in the name and for the behoof of the said *Montreal and New York Rail-road Company*; and this Act shall in all Courts of Justice be a sufficient proof of the Union of the said two Companies, and of the Corporate capacity of the said *Montreal and New York Rail-road Company*, without the production of any other proof whatsoever, and that the Rail-roads, which by the Acts hereinbefore cited the said two Companies were respectively authorized to construct, are and shall be in law one Rail-road by the name of *The Montreal and New York Rail-road*; Provided always that the ratified propositions and agreement entered into by the said two Companies in order to their union, under the Act cited in the Preamble, shall remain in force so far as regards the former Members of the said two Companies, and those Members of the present Company who were intended to be affected thereby.

This Act to be proof of the Union of the two Companies.

Proviso.

Petition of the Company re-cited.

Extension and bridge over the St. Lawrence, authorized.

II. And whereas the said Montreal and New York Rail-road Company, (which Company is hereinafter spoken of as "the said Company,") have petitioned the Legislature for further power and authority to construct a bridge across the River St. Lawrence, and to make a branch road or extension of the Montreal and New York Rail-road, (which said road is hereinafter spoken of as "the said Rail-road,") in connection with the said bridge, and further to make a branch or extension of the said Rail-road, from the present terminus of the said Rail-road at Lachine, to a point known as Leishman's Point, and to acquire the land necessary for the said extensions and works; and whereas it is expedient to grant the prayer of the said Petition: Be it therefore enacted, That it shall be lawful for the said Company to construct a branch or extension of the said Rail-road, from some point on its present line between Montreal and Lachine, across the Lachine Canal, to some point on the River St. Lawrence, between the mouth of the Lachine Canal at Lachine aforesaid, and the Island known as "Nuns' Island," on the River St. Lawrence, and to construct a bridge across the said River St. Lawrence from such point on the said River to some point on the opposite or southern shore of the said River, (making use for the purpose of constructing the said bridge of all and any of the Islands, rocks and shoals in the said River being,) and to extend and continue the said branch



branch road or extension from the said point on the southern shore of the said River to some point on the present line of the said Rail-road between the Indian Village of the Sault St. Louis and the Village of St. Remi, in the Seigniory of Lacolle and County of Huntingdon, in as direct a line as may be practicable ; and further, to construct another branch or extension of their said Rail-road from the present terminus of the said Rail-road at Lachine, to the place known as Leishman's Point, in the Parish of Lachine aforesaid, or some other point or place on the said River within half a mile of Leishman's Point ; and to take, acquire and hold all the lands necessary for either or both of the above mentioned extensions or branches and bridge, for them and their successors and assigns, for the use of the said Rail-road and works, without Her Majesty's *Lettres d'Amortissement*, and also to alienate and convey any of the said lands, purchased for the purpose aforesaid ; and any person or persons, bodies corporate or politic, or *communauté*, may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the same may repurchase of the said Company without *Lettres d'Amortissement*, and the said Company are hereby authorized after the passing of this Act, to make and complete the said branches or extensions of the said Rail-road, or either of them, with one or more sets of rails, and on the locomotive or atmospheric principle as the said Company may deem best, and to erect wharves, warehouses, stores, dépôts and other buildings at either termination, and at such other places on the line of the said branches or extensions as they may deem expedient.

Another extension to Leishman's Point authorized.

III. And be it declared and enacted, That the enactments and provisions of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, as amended by the several Acts hereinabove cited, with regard to the survey, setting out, acquiring and taking of lands, and of beaches or lands covered by the waters of the River St. Lawrence,—the extent of such lands and beaches which may be taken,—the map or plan and books of reference to be made and deposited relative to such lands,—the getting or placing of materials and other things,—the mode of settling by agreement or arbitration the damages or compensation to be paid by the Company for lands, materials or other things, the works which may be constructed and used by the Company,—the conveyance of lands and other property to the Company,—the extent of deviation allowed from the line shewn in the map or plan deposited, and the rights, powers, duties and obligations of the Company, and generally all the enactments and provisions of the said Act and of the Acts amending the same, whether herein more especially referred to or not, do and shall extend and apply to the branches or extensions of the said Rail-road and to the Bridge hereby authorized to be built, and to the said Company and to all things to be done by them, or by any person or party with regard to them, except only in so far as such enactments and

Enactments of the Act 9 V. c. 82, declared to extend to the new Company and to the works they are hereby authorized to undertake.

and provisions may be repealed by this Act or by the Act first cited in the Preamble to this Act, or may be inconsistent with or repugnant to those of this Act or of the said Act cited in the Preamble to this Act ; so that whenever this Act and the Act cited in the Preamble shall contain no provision establishing the rights of the Company, or of any member thereof, or of any person or party with respect to the Company, in any case, recourse shall be had to the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, as amended as aforesaid, in order to ascertain such rights.

This Company may sue for arrears, &c., due to other Companies.

IV. And for the avoidance of doubts—Be it declared and enacted, That the provisions of the Act to incorporate the Montreal and Lachine Rail-road Company, as amended by the Acts hereinbefore cited and those of the said amending Acts, do and shall apply to the calling in of stock subscribed or to be subscribed for, either under this Act or the Acts last above mentioned, or under the Act hereinbefore cited, incorporating the Lake St. Louis and Province Line Rail-way Company, and that all calls of the stock either of the said Montreal and Lachine Rail-road Company or of the said Lake St. Louis and Province Line Rail-way Company which may be in arrear, may be sued for and recovered by and in the name of the Montreal and New York Rail-road Company, as debts due to them, and any suit for the recovery of such arrears commenced in the name of the Lake St. Louis and Province Line Rail-way Company, may be continued by and in the name of the Montreal and New York Rail-road Company, upon suggestion of the passing of this Act ; and inasmuch as from the circumstances under which the Lake St. Louis and Province Line Rail-way Company was formed, and its subsequent union with the Montreal and Lachine Rail-road Company, and the complicated proceedings connected therewith, or otherwise, it may have happened that irregularities and informalities may have occurred in the proceedings of the said two Companies or either of them, or of the Montreal and New York Rail-road Company, previously to the passing of this Act—Be it enacted, That no irregularity or informality in the proceedings of the said Companies or either of them before the passing of this Act, shall be admitted as a defence or valid plea in any action by or against the said Montreal and New York Rail-road Company, but such irregularity or informality shall be held to be effectually remedied by the passing of this Act.

Informalities not pleadable.

Company may take beach lands for their works.

V. And be it enacted, That it shall be lawful for the said Company, subject to the provisions of the said Act to incorporate the Montreal and Lachine Rail-road Company, in like cases, to take, use, occupy and hold, but not to alienate, so much of the public beach or beach road or of the land covered with the water of the River St. Lawrence, or of any Island or Islands in the same, as may be required for the Bridge or Bridges they are hereby empowered to construct and the works therewith



therewith connected, or for their new Terminus and works at or near Leishman's Point, and the wharves and other works necessary either there or at the Indian Village of Caughnawaga, for efficiently working and using their extensions of their Rail-road hereby authorized, or for establishing and working the Steam Ferry hereinafter mentioned, doing no damage to, nor causing any obstruction in the navigation of the said River.

VI. Provided always, and it is hereby enacted, That in the construction of the said bridge or bridges across the River St. Lawrence and the Lachine Canal, the said Company shall not cause any obstruction in or in any way impede the free navigation of the River St. Lawrence or of the said Lachine Canal; and whenever and wherever the said Rail-road shall be carried across the said River or the said Canal, the said Company shall adopt and use such means, by the elevation to be given to the bridge or bridges, or by the construction of draw-bridges or swing-bridges, to facilitate the passage of rafts and vessels, as the Governor in Council shall direct, upon a plan of the same being submitted for approval to him in Council; nor shall the said Company construct or commence to construct any bridge, pier or other work upon the public beach or bed of the said River St. Lawrence, or upon the banks of the said Lachine Canal, until a plan of such work shall have been submitted to and approved by the Governor in Council: Proviso. Plans of bridge, &c., to be submitted to Governor in Council.

Provided always, That it shall be lawful for any other Rail-road Company to make use of the said Bridge or Bridges to be constructed under this Act, upon such rates of compensation as may be agreed upon between the said Montreal and New York Rail-road Company, and such other Rail-road Company applying for the same, and in case of difference between them therefor, then the said rates shall be settled and determined by arbitrators to be indifferently chosen by each, and by an umpire to be appointed by the Chief Commissioner of the Board of Works for the time being, upon application by either therefor, and the award of the said arbitrators and umpire, or of a majority of them, shall be final and conclusive, notwithstanding any informality or defect in form in the proceedings therefor: Proviso.

Provided further, that nothing herein contained shall prevent the Government or any other Rail-road Company, or any other party, from erecting and constructing a Bridge across the St. Lawrence if thereto authorized by Legislative enactment: Proviso. Provided further, that the period within which the said Bridge shall be erected and constructed, shall be five years from the coming into force of this Act, with power to the Governor in Council to extend the said period to such further period as may be deemed expedient, not exceeding in any case ten years in all from the coming into force of this Act.

VII. And be it enacted, That if any land belonging to, or in the possession of any tribe of Indians in this Province, shall Provision when lands taken belong be

to an Indian  
Tribe.

be required by the said Company for the said Rail-road or any extension thereof, or any wharf or other work authorized by this Act or any Act hereinbefore cited, or if any act occasioning damage to their lands shall be done under the authority of this Act or of any of the said Acts, compensation shall be made therefor in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it shall be necessary that arbitrators should be chosen by the parties, the Chief Officer of the Indian Department within this Province is hereby authorized and required to name an arbitrator on behalf of the Indians, and the amount which shall be awarded in any case shall be paid, where the lands belong to the Indians to the said Chief Officer for their use.

Map and  
books of re-  
ference may  
be deposited  
separately for  
such work.

VIII. Provided always, and be it enacted, That it shall not be necessary that the map or plan and book of reference for the said branch or extension of the said Rail-road to Leishman's Point or the neighborhood thereof, be made or deposited at the same time with those relating to the said bridge across the River St. Lawrence, or the extensions of the said Rail-road leading to such bridge, so as they be respectively made and filed within the time hereinafter limited: nor shall it be necessary that the same or the surveys on which they are founded respectively, be made after the passing of this Act, but the said Company, if they think proper, may adopt any survey, map, plan, book, or any part thereof, made before the passing of this Act, so as the same be adopted and deposited after the passing hereof, and the same shall nevertheless bind the Company and all parties concerned as if made after the passing of this Act.

Within what  
period the  
map or plan  
must be de-  
posited and  
the new  
works com-  
pleted.

IX. And be it enacted, That the said Company, to entitle themselves to all the benefits and advantages to them granted by this Act in so far as regards the extension and branches they are hereby authorized to make and build, shall, and they are hereby required to make and deposit the maps or plans or books of reference hereinbefore referred to within two years from the passing thereof, and to make and complete the said branches and extensions in manner aforesaid within six years from the passing of this Act: and if the said maps or plans and books of reference be not so made and deposited within the space of two years, or if the said branches and extensions shall not be so made and completed within the said period of six years, so as to be used by the public, then, and in either case, the benefits and advantages granted by this Act shall cease and determine in so far as regards the branch or extension which shall not be so completed, or with regard to which the map or plan and book of reference hereby required shall not be deposited within the period hereby limited for completing or depositing the same respectively.

Sect. 8 of 9  
Vict. c. 82, re-  
pealed, and

X. And be it enacted, That the eighth section of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road*



*Rail-road Company*, shall be and is hereby repealed, and that the said Company shall, at each and every place where the said branches or extensions, or any part of their Rail-road, shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the word "Rail-way-crossing," painted on each side of such sign-board, in both languages, and in black letters not less than six inches in length on a white ground; and for each and every neglect to conform with the requirements of this section, the said Company shall incur a penalty not exceeding Five pounds currency.

other provisions substituted.

XI. And be it enacted, That so much of the fifth section of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, as provides that no locomotive shall be worked on the said Rail-road within the City of Montreal beyond Cemetery street, or that no car or carriage shall be drawn or propelled within the City beyond the point aforesaid by steam or atmospheric pressure or by any other power than that of horses or other animals attached to the car or carriages, be, and the same is hereby repealed; and in the place and stead thereof—Be it enacted, That the said Montreal and New York Rail-road Company shall not use, employ or work any locomotive, or car or carriage to be propelled or drawn by any power other than that of animals, within the City of Montreal and east of Cemetery street, except by the permission and authority of the Corporation of the City of Montreal first had and obtained.

Part of s. 5 of the said Act repealed, and other provisions substituted.

XII. And be it enacted, That it shall and may be lawful for the said Company by their servants or workmen, to enter into and upon any land through which the said Rail-road, or any part of the same, may pass, and to fell or remove any trees standing in any woods, lands or forests to the distance of six rods from either side of said Rail-road, doing as little damage as may be, and making satisfaction in the manner provided by the said last mentioned Act to the owner or proprietor of or person interested in such land for all that he may lose or suffer by reason of such entry and felling or removing as aforesaid.

Company may fell trees near the Rail-road.

XIII. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Rail-road with any other Rail-road or Rail-way, at any point on its route, and upon the lands of such other Rail-way or Rail-road, with the necessary conveniences for the purpose of such connection, and the owners of both Rail-ways may unite in forming such intersection, and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings and connection, the same shall be determined by Arbitrators.

Company may intersect other Rail-roads.

Arbitrators to be appointed by a Judge of the Superior Court in Lower Canada.

Recital.

Company to have a Steam Ferry from Lachine to Caughnawaga.

XIV. And whereas the said Montreal and New York Railroad Company have by law, right, power and authority to build, hold and use steamboats on the Rivers St. Lawrence and Ottawa, and it will be for the public good to afford the said Company every facility in the exercise of this right—Be it therefore enacted, That it shall be lawful for the said Company to hold a Steam Ferry from the wharf at their present terminus at Lachine, or from the point where the branch or extension of the said road may terminate at or near Leishman's Point, to the opposite or south shore of the said River, and to possess, employ and use any steamboat or steamboats, or any other vessel or vessels which may be necessary for the purposes of the said ferry, and for the transportation, carriage and conveyance of goods, chattels, merchandize, horses, cattle, carriages and passengers across the said river St. Lawrence between either of the said points on the north shore of the said River and the wharf and terminus of the said Company at Caughnawaga, at or near to the Indian Village on the Sault St. Louis, in the Seigniorly of the Sault St. Louis; subject nevertheless to the provisions and limitations hereinafter expressed.

Capital of the Company may be increased, and how.

XV. And to the end that the said Company may be enabled to construct the said intended branches and extensions of the said Rail-road, and erect and build the contemplated Bridge across the said River, and to establish and maintain a Steam Ferry from Lachine aforesaid, to Caughnawaga aforesaid—Be it enacted, That it shall and may be lawful for the said Company, from time to time, for all or for any one of the said branches, extensions, ferry and bridge, and whenever any one or more of them shall be undertaken by the said Company, to increase their Capital Stock to any amount, but such increase must be sanctioned by a vote in person or by proxy of at least two thirds in number and amount of the Shareholders present at a Meeting expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, properly directed to him or her, and deposited in the Post Office of the City of Montreal at least twenty days previous to such meeting, and stating the time and place and object of such Meeting and the amount of increase of capital proposed; and the modes of calling special general meetings as well as general meetings for the above purpose or any other purposes of this Act shall be the mode prescribed by the Act incorporating the Montreal and Lachine Rail-road Company, and the Acts amending the same; and the proceedings of such meeting must be entered on the minutes of the proceedings; and thereupon, the Capital Stock, when the Capital Stock is the matter for consideration before such meeting, may be increased to the amount sanctioned by such vote.



XVI. And be it enacted, That it shall and may be lawful for the said Company to borrow from time to time either in this Province, or elsewhere, such sums of money as they may deem requisite for completing, maintaining and working all, or any one of the proposed branches and extensions, or for completing and maintaining the proposed Bridge or Ferry, and at a rate of interest not exceeding eight per cent. per annum; the sums of money, so to be borrowed, not to exceed in amount the one half of the increase of the Capital Stock authorized as aforesaid with reference to the work for which the loan is to be raised, and actually subscribed for, and to make the Bonds and Debentures or other securities granted for the sums so borrowed, payable either in currency or sterling, and at such place or places within this Province or without, as may be deemed advisable, and to place the same at such premium or discount, as may be deemed expedient or found necessary; and to hypothecate, mortgage or pledge for the payment of the said sums and the interest thereon, the lands, tolls, revenues and all other property of the Company, or any part of the same not then mortgaged and hypothecated; and any of the said Debentures whereby it is intended to mortgage and hypothecate the Real Estate of the Company, may be in the form Number One annexed to this Act, or in any other form that may be determined upon by the Directors of the said Company: Provided always, that the form so determined upon by the said Directors of the said Company, shall contain a short description of the Real Estate of the said Company intended to be mortgaged or hypothecated similar to the description in form Number One, and it shall be lawful for the said Company, if they see fit, to make the said Debentures to be issued by the said Company, or any part thereof that they may think proper, payable to bearer, and every Debenture so issued payable to bearer shall be transferable by delivery, and shall, with all interest due thereon, be payable to the bearer thereof, who shall, in all law proceedings and on all other occasions be held, until the contrary be proved, to be the proprietor of such Debenture, and of the debt and interest intended to be secured thereby, with all the hypothecary rights and privileges attached thereto.

Company may borrow money for the works authorized by this Act.

Form of Debentures.

Proviso.

Debentures may be payable to bearer.

XVII. And whereas in and by the said Act, intituled, *An Act to incorporate the Lake St. Louis and Province Line Rail-way Company*, and by the twenty-seventh section of the same, it was enacted, That the said Lake St. Louis and Province Line Rail-way Company might, from time to time, lawfully borrow, either in this Province or elsewhere, such sum or sums of money not exceeding at any time the sum of seventy-five thousand pounds currency, as they may find expedient, at any rate of interest not exceeding six per cent. per annum; and whereas in and by the said Act, intituled, *An Act to authorize the Union of the Montreal and Lachine Rail-road Company and the Lake St. Louis and Province Line Rail-way Company*,  
and

Recital.

The Company may borrow the £75,000 which the Lake St. Louis and Province Line Rail-way Company were empowered to borrow.

Form of Debentures, &c.

Form of Debentures not bearing hypothec.

and for other purposes connected with the said Companies, and by the fourth section of the same, it was enacted, That it should be lawful for the said Lake St. Louis and Province Line Rail-way Company, or for the said Montreal and New York Rail-Road Company, as the case might be, to borrow the sum which the said first named company were empowered to borrow, by the twenty-seventh section of their Act of Incorporation, at any rate of interest not exceeding eight per cent. per annum: And whereas it is desirable to give to the said Montreal and New York Rail-road Company every lawful facility to borrow the said sum of seventy-five thousand pounds currency, and a further sum of twenty-five thousand pounds currency, and also, to give to the parties lending such sum of money, or any parts of the same, all proper and perfect security for the sum or sums of money so to be lent—Be it therefore enacted, That it shall and may be lawful for the said Montreal and New York Rail-road Company, to borrow (in addition to and apart from the sums they are empowered to borrow by the next preceeding section) either in this Province or elsewhere, such sum or sums of money not exceeding in the whole the sum of one hundred thousand pounds, as they may find expedient, and at such rate of interest not exceeding eight per centum per annum, as they may think proper, and to make the Bonds, Debentures or other securities they may grant for such sum or sums, payable in currency, or in sterling, and at such place or places within or without this Province, as they may deem advisable, and by such Bonds, Debentures or other securities, to mortgage, hypothecate or pledge the lands, and other property of the said Company, heretofore known as the Lake St. Louis and Province Line Rail-road, and the tolls and revenues arising therefrom, for the due payment of the said sums and of the interest thereon; and any of the said Debentures, whereby it is intended to mortgage and hypothecate the said real estate of the company, may be in the form Number One annexed to this Act, or in any form that may be determined on by the said Company, provided that the form so determined on contains a like description of the said real estate as is prescribed by and given in the said form Number One; and it shall be lawful for the said Company, if they see fit, to make the said Debentures to be so issued by the said Company, or any part thereof that they may think proper, payable to bearer or to order, and every Debenture so issued payable to bearer, shall be transferable by delivery, and shall, with all interest due thereon, be payable to the bearer thereof, who shall in all law proceedings, and on all other occasions, until the contrary be proved, be held to be the proprietor of such Debenture and of the debt and interest intended to be secured thereby, with all the hypothecary rights and privileges attached thereto: And any Debenture issued under this Act, whereby it is not intended to mortgage and hypothecate any of the real estate of the Company, may be in the form Number Two, to this Act annexed, or in any other form that may be determined on by the Directors of the said Company :  
And



And it shall also be lawful for the said Company to grant such Debentures to any person or persons, corporation or corporations, to whom the said Company may be indebted or who may be willing to receive the same; Provided always, that nothing herein contained shall defeat or in any way impair the effect of any Bond, Debenture, Obligation, Hypothec, Mortgage or other security heretofore granted by the said Company, or the rights or priority of privilege of the holder thereof: and provided always, that it shall not be lawful for the said Company to issue any Debenture payable to bearer under this Act for a less sum than one hundred pounds.

Proviso.

Proviso.

XVIII. And be it enacted, That the Registrar of the County of Montreal, and any other Registrar in whose office it may at any time hereafter be necessary to register any Debenture or Debentures, under this Act or any other Act, authorized to be made and issued by the said Company, or by either of the late Companies by the Union whereof the said Company was formed in order to give full effect thereto, and their Deputies respectively, are hereby empowered and required to enter and register any of the said Debentures which may be brought to be registered, on proof of the execution thereof by the oath of one witness, which oath any such Registrar, or his Deputy, is hereby authorized to administer; and if at any time after the registration of any such Debenture as aforesaid, the same shall be brought to such Registrar or his Deputy with the word "cancelled," and the signature of the President, or other duly authorized Director of the said Company, written across the face thereof, the said Registrar, or his Deputy, shall make an entry in the margin of the Register of Debentures hereinafter mentioned, against the Registry of such Debenture, to the effect, that such Debenture has been cancelled, adding the date of such entry, and shall thereupon file such Debenture to remain of record in the said Registry Office, in the same manner as Certificates of Discharge; Provided always, that if the real property intended to be mortgaged or hypothecated by any such Debenture, shall extend into more than one County or place in and for which a separate Registry Office is or shall be appointed to be kept, it shall be sufficient to register such Debenture in the Registry Office of any one of such Counties or places, in order to preserve the hypothec or mortgage given by such Debenture on the whole of the property mentioned therein, and its priority according to the date of registration.

On what proof Debentures may be registered.

Entry of cancelled Debentures.

Proviso.

XIX. And to facilitate the registration of Debentures of the said Company, creating mortgage or hypothec—Be it enacted, That the Company may, at their own expense, deposit in any Registry Office wherein such their Debentures may require to be registered, any number of their printed or engraved Blank Debentures in the form Number One annexed to this Act, bound together in a book, and having the pages thereof numbered and signed by the Secretary and Treasurer of the

Provisions for facilitating registration of Debentures.

Fees to Registrar.

Company, and thereupon the Registrar and his Deputy shall be bound to receive and to use the same as one of the Registry Books of his office, and to register therein any Debentures of the said Company brought to him for registration by copying into the blanks in the said Registry Book of Debentures all the words and figures inserted in the Debentures presented for enregistration, (neglecting all words and figures inserted in any *coupon*, for interest annexed to such Debenture,) instead of registering the said Debentures in the ordinary Registry Book of his office, any law or ordinance to the contrary notwithstanding ; and for such enregistration of each of the said Debentures, the said Company shall pay to the said Registrar the sum of two shillings and six pence, and for the entry of cancellation of the same, the sum of one shilling, and no more.

Company to have power to become parties to promissory notes, &c.

XX. And be it declared and enacted, That the said Company have and shall continue to have power to become parties to Promissory Notes and Bills of Exchange ; and any Promissory Note made or endorsed, and any Bill of Exchange drawn, accepted or endorsed by the President of the Company or any two of the Directors for the Company, and under the authority of a majority of a quorum of the Directors, with the counter signature of the Secretary of the Company, is and shall be binding upon the Company ; and every Promissory Note or Bill of Exchange, made, drawn, accepted or endorsed by the President of the said Company or any two of the Directors as such, with the counter signature of the Secretary of the Company as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown ; and in no case is it or shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Directors or Secretary of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange be thereby subjected individually to any liability whatever ; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to bearer or any Promissory Note intended to be circulated as money, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by endorsement in full.

Proviso.

Certain By-laws subject to approval of the Governor in Council.

XXI. And be it enacted, That no By-law of the said Company, to be hereafter made and by which any Tolls shall be fixed or directed to be taken for the conveyance of passengers, goods, wares or merchandize, on the said Rail-road, or which shall be intended to affect any party other than the Members, Officers and Servants of the Company, shall have force or effect until it shall have been sanctioned and confirmed by the Governor of this Province in Council, and published in the *Canada Gazette*, a copy whereof shall be proof of such By-law and of such sanction and confirmation in all Courts and places whatsoever :



whatsoever : Provided always, that the same tolls shall be payable at the same time and under the same circumstances upon all like goods, wares, merchandize and passengers, by the same class of carriages, so that no undue privilege or monopoly may be afforded to any person, or class of persons, by any By-law relating to tolls ; and, subject to such approval as aforesaid, it shall be lawful to provide by any such By-law, that any person committing any infraction of the same in any car or carriage on the said Rail-road or in any Steamboat or Vessel belonging to the Company, or refusing to pay his lawful fare when called upon, may be put out of such car, carriage, boat or vessel by the Servants of the Company at the then nearest station or landing place, and such fare shall always be payable as soon as the passenger shall enter the car, carriage, steamboat or vessel, whatever be the distance to which such passenger intends to proceed, subject to his recourse against the Company if they fail to convey him to the place to which he has paid his fare.

Proviso.

Proviso.

XXII. And be it enacted, That, subject to the foregoing provisions, the tolls payable to the said Company for ferriage, of freight, and passengers on the said Ferry, and for the conveyance of all passengers and goods transported upon the said Rail-road, shall be established, and payment thereof enforced as follows :

Provision for recovering or enforcing payment of tolls.

*Firstly*—The tolls shall be those from time to time fixed by the By-laws of the Company, and shall and may be demanded and received for all passengers and goods transported upon the Rail-road or in the Steam Vessels to the Company belonging, and shall be paid to such persons and at such places near to the Rail-road, or on such Steam Vessels in such manner and under such regulations as the By-laws shall direct : and in case of denial or neglect of payment of any such tolls or any part thereof on demand, to such persons, the same may be sued for and recovered in any competent Court, or the Agents or Servants of the Company may and they are hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof : and in the meantime the said goods shall be at the risk of the owner thereof, and if the said tolls shall not be paid within six weeks, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus if any of the money realised from such sale, or such of the goods as may remain unsold, to the person entitled thereto ; and if any goods shall remain in the possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they may deem

As to unclaimed goods.

deem necessary, have power to sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto, and in default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto: and all or any of the said tolls may by any By-law be lowered and reduced, and again raised as often as it shall be deemed necessary for the interests of the undertaking, subject to such approval as aforesaid.

Fractions in distance or weight.

*Secondly*—In all cases, a fraction of a mile in the distance over which goods or passengers shall be transported on the Rail-road or in the vessels of the Company, shall be counted as a whole mile, and a fraction of a quarter of a ton in the weight of any goods as a whole quarter of a ton, and a proportion of the tolls shall be demanded and taken according to the number of quarters of a ton contained therein.

Certain By-laws to be publicly exposed.

*Thirdly*—The Directors shall from time to time print and stick up or cause to be printed and stuck up in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place, a printed board or paper exhibiting all the tolls payable, and particularising the price or sum of money to be charged or taken for the carriage of any passenger, matter or thing; and also a copy of all By-laws affecting others than the Members, Officers and Servants of the said Company, and all passengers in any such car shall be held to have had full cognizance of all notices, by-laws and things so stuck up in any car.

May lease Rail Road and moveables to or from any other Railway Company.

XXIII. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Rail-way Company either in this Province or in any foreign state, for leasing the said Rail-road or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Rail-road or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Rail-road or of the moveable property of the said Company, or of the Rail-road and moveable property of such other Company in common by the two Companies, or generally to make any agreement



agreement or agreements with any such other Company touching the use by one or the other or by both Companies of the Rail-road or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any foreign Rail-Road Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company, and intended to pass regularly along the said Rail-Road between this Province and a foreign state, shall, for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

XXIV. And be it enacted, That the number of Directors of the said Company shall be thirteen, of whom five shall form a quorum, as provided by the ratified propositions hereinbefore mentioned; and that for and notwithstanding any thing in any of the Acts hereinbefore cited, the Directors of the said Company shall make By-laws for the management and disposition of the stock, property, business and affairs of the said Company not inconsistent with the laws of this Province, and for the appointment of all Officers, Servants and Artificers, and providing their respective duties, and may amend or repeal any By-law of the Company, and may make others instead thereof, subject to the approval of the Governor in Council in the cases hereinbefore provided for: and all By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they were adopted, and shall be kept in the Office of the Company; and in like manner so often as any change or alteration shall be made to the same; and such By-laws so made by the Directors shall not require confirmation by the Stockholders of the said Company by or at any general Meeting thereof, except any By-law reducing the amount of Stock forming the qualification of a Director; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be deemed authentic, and shall be received as evidence thereof in any Court, without further proof.

Number of Directors.

Quorum.  
Directors to make By-laws.

Exception.

XXV. And be it enacted, That the number of votes to which each Proprietor of shares in the stock of the said Company shall be entitled, on every occasion when the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that is to say, one vote for each share less than fifty: Provided always that no one Proprietor as aforesaid, shall have more than fifty votes; and provided also, that a share or shares that shall have been held for a less period than three calendar months immediately prior to any such occasion shall not entitle the holder or holders to

Votes of Stockholders, &c.

Proxies.

vote

vote on such occasion either in person or by proxy, and all Proprietors of shares, whether resident in this Province or elsewhere, may vote by proxy if he, she, or they shall see fit, provided that each proxy do produce from his constituent or constituents, an appointment in writing or printed, in the words or to the effect following, that is to say :

Form of  
Proxy.

I, \_\_\_\_\_ of \_\_\_\_\_ one of the Proprietors of (old Stock or new Stock, *as the case may be*) of the Montreal and New-York Rail-road Company, do hereby nominate, constitute and appoint \_\_\_\_\_ of \_\_\_\_\_ to be my proxy in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the Members of the said Company, or any of them, in such manner as he the said \_\_\_\_\_ shall think proper, according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto. In witness whereof, I have hereunto set my hand the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

Majority to  
decide ques-  
tions.

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper Officers, or matters, or things shall be proposed, discussed or considered in any public meeting of the Shareholders, shall be determined by the majority of votes and proxies then present, and as given as aforesaid, and all decisions and acts of any such majority shall bind the said Company.

Sales of  
Shares.

XXVI. And be it enacted, That sales of the shares of the Capital Stock of the said Company shall be in the form following, varying the names and description of the contracting parties as the case may require :

Form.

I, A. B. in consideration of the sum of \_\_\_\_\_ paid to me by C. D. of \_\_\_\_\_ do hereby bargain, sell and transfer to the said C. D. \_\_\_\_\_ shares (or shares of the old Stock, or new Stock, *as the case may be*) of the Montreal and New-York Rail-Road Company, to hold to him, his heirs, executors, curators, administrators or assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof; and I, the said C. D. do hereby agree to accept of the said \_\_\_\_\_ (share or shares) subject to the same rules, orders and conditions. Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

Treasurer and  
Secretary;  
their appoint-  
ment and du-  
ties.

XXVII. And be it enacted, That it shall and may be lawful for the said Directors of the said Company, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Secretary or Secretaries, or to appoint one person



person to be Secretary and Treasurer to the said Company, and in their discretion to remove any such Secretary or Treasurer, taking such security for the due execution of their respective Offices as the said Directors shall think proper; and such Secretary shall, in a proper Book or Books, enter and keep a true and perfect account of the names and places of abode of the several proprietors of the said Rail-Road and other works, and of the several persons who shall, from time to time, become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company, and of the Directors for the time being under the authority of this Act, or of the Acts herein recited.

XXVIII. And be it enacted, That Copies of the By-laws, Rules and Regulations of the Company, or of Minutes of Proceedings and Resolutions of the Shareholders of the Company, at any General or Special Meeting, and of Minutes of Proceedings and Resolutions of the Directors at their Meetings, and of the propositions and agreement for the union of the two then existing Companies made and ratified under the Act first cited in the Preamble to this Act, extracted from the Minute Books kept by the Secretary of the Company, and by him certified to be true Copies extracted from such Minute Books, shall be *prima facie* evidence of such By-laws, Rules, Regulations, Proceedings and Resolutions, in all Courts whatever, and all Notices given by the Secretary of the Company, by order of the Directors, shall be deemed Notices by the said Directors and Company.

Certified copies of By-laws, &c., to be *prima facie* evidence thereof, &c.

XXIX. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the said Rail-road, shall be instituted within six calendar months next after the time of such supposed damage sustained, or if there shall be continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendants may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act: and all persons by any means or in any manner or way whatsoever, obstructing or interrupting the free use of the Rail-way, or the carriages, vessels, engines, or other works incidental or relative thereto, or connected therewith, shall, for every such offence, be deemed guilty of a misdemeanor, and on conviction thereof, be punished by imprisonment in the common gaol of the District or County where the conviction shall take place, or in the Provincial Penitentiary, for a term not to exceed five years; and all persons wilfully and maliciously, and to the prejudice of the Rail-road, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, dépôts, wharves, vessels, fixtures, machinery or other works or devices, incidental and relative thereto, or connected therewith, or doing any

Suits for damages to be brought within a certain time.

Penalties on persons obstructing Rail-way, &c.

any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Rail-road, vessels or works, or obstructing, hindering or preventing the making, carrying on, completing, supporting and maintaining the Rail-road, vessels or works, shall be adjudged guilty of a misdemeanor, (unless the offence committed shall under some other Act or Law amount to a felony, in which case such person shall be adjudged guilty of a felony,) and the Court by and before whom the person shall be tried and convicted, shall have power and authority to cause such person to be punished in like manner as persons guilty of misdemeanor, or felony, (as the case may be) are directed to be punished by the laws in force in this Province; and all fines and forfeitures imposed by this Act or any other Act hereinbefore cited, or relating to the said Company, which shall be lawfully imposed by any By-law, the levying and recovery of which are not particularly herein directed, shall be recovered upon proof of the offence, before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred, either by the confession of the parties, or by the oath or affirmation of any one credible witness, which oath or affirmation such Justice or Justices is or are hereby empowered and required to administer without fee or reward, and shall be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal, or hands and seals of such Justice or Justices; and all fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the said Company, to be applied to the use thereof, and the overplus of the money so raised, and after deducting the penalty and expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the common gaol for the County or District in which he shall have been convicted, there to remain without bail or main prize, for such term, not exceeding one month, as the Justice or Justices shall think proper, unless the penalty or forfeiture and all expenses attending the same shall be sooner paid and satisfied; but every such person or persons may, within four calendar months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the County or District: And all contraventions of this Act, by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture of the privileges conferred on them by this Act and the Acts hereinbefore cited, if by the provisions thereof, or by law, the same be forfeited by such contravention.

Penalties  
how recover-  
able.

How to be ap-  
plied.

Imprisonment  
in default of  
payment &c.,

Appeal.

All contra-  
ventions of  
this Act to be  
a misdemea-  
nor, &c.

Company to  
convey

XXX. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by the  
Post



Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the Company, if necessary, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all Artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables and others travelling on Her Majesty's service, on their said Railroad, on such terms and conditions and under such regulations as the said Company and the said Post Master General, the Commander of the Forces, or person commanding any Police Force respectively shall agree upon, or if they cannot agree, then on such terms and conditions, and under such regulations as the Governor in Council shall make: provided always, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make with regard to the carriage of the said Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Troops, Mails,  
&c., on certain  
terms.

Proviso.

XXXI. And be it enacted, That this Act shall be and be Public Act. deemed to be a Public Act.

### SCHEDULE.

*Form Number One referred to in the foregoing Act.*

### MONTREAL AND NEW YORK RAIL-ROAD COMPANY LOAN FOR

No. £ Cy. or Stg.

#### PROVINCE OF CANADA.

This Debenture witnesseth that the Montreal and New York Rail-road Company, under the authority of the Act passed in the sixteenth year of Her Majesty's reign, and intituled, *An Act to authorize The Montreal and New York Rail-road Company, to extend their Rail-road, and to acquire the land necessary for such extension, and for other purposes relative to the said Company*, have received from A. B. of

&c., the sum of currency (or sterling) as a loan to bear interest from the date hereof, at the rate of per cent. per annum, payable half yearly, at the on the day of and the day of ; which said sum of

the said Company hereby bind and oblige themselves to pay on the day of to the said A. B. or to the bearer hereof, at and to pay the interest thereon half yearly as aforesaid, on the presentation of the annexed *coupons*, or interest warrants, also at the place aforesaid.

And

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute, do hereby mortgage and hypothecate that part of the real estate and appurtenances of the said Company hereinafter described, that is to say : The Rail-road formerly known as the Lake St. Louis and Province Line Rail-road, and all the lands purchased or taken for the same ; and the buildings, wharves and appurtenances thereon constructed or erected, lying partly in the County of Huntingdon and partly in the County of Beauharnois, in the District of Montreal, (*or as the case may be,*) the extension of the said Rail-road connecting the Rail-road heretofore known as the Montreal and Lachine Rail-road with the Rail-road heretofore known as the Lake St. Louis and Province Line Rail-road, and including the Bridge across the River St. Lawrence, forming part of the same, and the buildings, wharves and appurtenances thereon erected or constructed, lying partly in the County of Huntingdon and partly in the County of Montreal, in the said District of Montreal, (*or, as the case may be,*) the extension of the said Rail-road from a point at Lachine on that part thereof formerly known as the Montreal and Lachine Rail-road, to the Terminus at or near Leishman's Point, with all the wharves, buildings and appurtenances thereon erected or constructed, lying in the County of Montreal, in the District of Montreal.

And this Debenture is granted for the said sum of \_\_\_\_\_ as being part of a loan of \_\_\_\_\_ pounds, which the said Company, is authorized to raise under the aforesaid Statute : And to secure to all holders of the Debentures issued for the said loan, a first and equal privilege of mortgage or hypothec, the same have been registered simultaneously according to law.

In testimony whereof, I, (*or we*) \_\_\_\_\_ of the said Company, authorized by a resolution of the Directors of the said Company, in that behalf, passed on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, (*giving the name of the President and Directors authorized in the manner sanctioned by 6th Sec. 10 and 11 Vict. cap 63*) have signed these presents, and have hereunto affixed the Common Seal of the said Company, at the City of Montreal, this \_\_\_\_\_ day of \_\_\_\_\_  
Countersigned.

Secretary and Treasurer. (*President or Director.*)  
(*as the case may be.*)

#### ENDORSEMENT.

I certify that this Debenture was duly registered in the Registry Office of the first (*or second, as the case may be*) Registration District of the County of Huntingdon, (*or, as the case may be,*) in the District of Montreal, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ the



the                      noon, in the Registry of Debentures, deposited  
in this Office, in conformity with the Statute, page

Registrar or Deputy Registrar.

No. 2.

*Referred to in foregoing Act.*

MONTREAL AND NEW YORK RAIL-ROAD COMPANY  
LOAN.

No.	£	Cy. or Stg.
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This Debenture witnesseth that the Montreal and New York Rail-road Company, under the authority of the Provincial Statute, passed (*giving the year and title of the statute to which this form is annexed,*) have received from A. B., of the sum of \_\_\_\_\_ as a Loan, to bear interest from the date hereof at the rate of \_\_\_\_\_ per cent. per annum, payable half yearly, on the \_\_\_\_\_ day of \_\_\_\_\_ which sum of \_\_\_\_\_ pounds currency, the said Company hereby bind and oblige themselves to pay on the \_\_\_\_\_ to the said A. B., or to the bearer hereof, and to pay the interest thereon half yearly as aforesaid.

In testimony whereof, I, (or we, *giving the name of the President or Directors authorized in the manner sanctioned by the 6th Sec. 10 and 11 Vic. cap 63,*) have hereunto affixed the common Seal of the said Company, at the City of Montreal, this                    day of                    one thousand eight hundred and                   

(Signature.)

Countersigned.

(President or Directors.)

Secretary and Treasurer. *(as the case may be.)*

## CAP. XLVII.

An Act to amend an Act passed in the eighth year of the Reign of Her Majesty, to incorporate *The Saint Lawrence and Atlantic Rail-road Company*, and to extend the powers of the said Company.

[10th November, 1852.]

**W**HEREAS by an Act of the Legislature of this Province passed in the eighth year of Her Majesty's Reign, intituled, *An Act to incorporate the St. Lawrence and Atlantic Rail-road Company*, the said Company was empowered to construct a Rail-road from the River St. Lawrence, opposite to the City of Montreal, in the general direction of St. Hyacinthe and Sherbrooke, to the boundary line between this Province and the United States of America, at such point or place

Connecting  
point of Rail-  
road in Ver-  
mont.

Company  
may contract  
with Atlantic  
and St. Law-  
rence Rail-  
road Com-  
pany.

Bonds may  
issue for  
£125,000.

of the said boundary line near the Connecticut River, as that the said Rail-road might best connect with the Atlantic and St. Lawrence Rail-road, to be constructed from Portland, in the State of Maine, to the said boundary line, there to connect with the St. Lawrence and Atlantic Rail-road ; and whereas it hath been found that, from the nature of the country in the neighbourhood of the boundary line of the Province, and other existing circumstances, such best connection of the said St. Lawrence and Atlantic Rail-road with the said Atlantic and St. Lawrence Rail-road must be had at a point beyond the said boundary line and within the County of Essex, or the County of Orleans, in the State of Vermont, one of the United States of America : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said St. Lawrence and Atlantic Rail-road Company shall have power and authority to enter into all such contracts and agreements with the said Atlantic and St. Lawrence Rail-road Company, and all other bodies corporate and persons as may be found necessary, in the adoption of the said best point of connection of the said St. Lawrence and Atlantic Rail-road with the said Atlantic and St. Lawrence Rail-road, and to secure the speedy construction and completion of the portion of the said St. Lawrence and Atlantic Rail-road, and the works connected therewith, to be constructed between the intersection by the said Rail-road of the Boundary line of the Province and the said best point of connection : And that in accordance with the prayer of the said St. Lawrence and Atlantic Rail-road Company, the said Company shall be and are hereby authorized and empowered to make such best connection at the said point within the said County of Essex or County of Orleans, and to construct and maintain, or assist in the construction and maintenance of the portion of their Rail-road which shall extend from the said boundary line to such best point of connection ; and for such purpose to issue their bonds, notes or other securities, in the same manner as the said Company is now by law authorized to do, provided the amount to be so issued do not exceed the sum of one hundred and twenty-five thousand pounds ; and to advance to the said Atlantic and St. Lawrence Rail-road Company, or other bodies corporate or persons, such sum or sums of money, and to become party to, and sign, endorse or guarantee such bonds, notes or other securities of the said Atlantic and St. Lawrence Rail-road Company as may be required, provided the amount of such liabilities does not as aforesaid exceed the sum of one hundred and twenty-five thousand pounds ; and to accept, receive and hold any mortgages  
or



or other securities over, and any rights in, the said portion of the Road, or in the Tolls, profits and revenues thereof, either by or through the Officers of the said St. Lawrence and Atlantic Rail-road Company, or by means of Trustees to be by the said Company appointed for that purpose, and to become lessees of the said portion of the Road, under such terms and for such periods as may be agreed upon; and such debts, mortgages, securities, rights, tolls, profits and revenues, and such lease to convey and transfer to any person or body politic or corporate so as to secure the repayment of any sum or sums of money advanced to or upon the credit of the said St. Lawrence and Atlantic Rail-road Company, for the purposes of this Act, and generally to do and perform all matters and things whatsoever necessary or incidental in the promotion of the construction of the said portion of the said Road and in the recovery of any moneys raised, advanced or guaranteed as aforesaid.

Corporate powers.

II. And be it enacted, That in so far as may be consistent with the laws of the State of Vermont now, or which may hereafter be in force, the said St. Lawrence and Atlantic Rail-road Company are hereby authorized to acquire, hold, own, construct, maintain and use the said portion of the said Rail-road, extending from its intersection of the boundary line of the Province to the said best point of connection, with all and every the works, buildings and appurtenances connected therewith, as owners and proprietors thereof, with all and every the powers and authorities vested in the said Company as to the portion of the said Rail-road, extending from the River St. Lawrence to the said boundary line: Provided always, that this Act shall not authorize or be construed to authorize the said Company, nor shall the said Company have power to lessen or impair the hypothecary or privileged rights and claims of the Provincial Government, or other parties upon the whole or any part of the said Rail-road within this Province, for the payment of any sum or sums guaranteed, loaned or advanced, or which may hereafter be guaranteed, loaned or advanced to the said Company by the Government or other parties under any Act or Statute of this Province now in force, or which may be hereafter in force; but the said rights and all other rights and claims of the Government and all other parties shall be preserved and maintained, notwithstanding any matter or thing to be done under or by virtue of this Act.

Rights of Provincial Government saved.

III. And be it enacted, That the said Saint Lawrence and Atlantic Rail-road Company shall release the Stockholders of that Company who now reside within the County of Stanstead from the Stock which they have subscribed in such Company, and shall refund to such Stockholders all sums which they have paid for and on account of such Stock, together with legal interest thereon; Provided that such Stockholders who may so desire to be released, shall, within one month from and after

Company to release Stanstead Stockholders.

after the passing of this Act, give notice to the said Company of their intention to claim such release and re-payment.

Public Act. IV. And be it enacted, That this Act shall be deemed a Public Act.

### C A P. X L V I I I.

An Act to amend and extend the Act incorporating a Company for making a Rail-road from the Village of Industry to the Township of Rawdon, in Lower Canada.

[10th November, 1852.]

Preamble.

13 & 14 V. c.  
115.

Part of s. 24  
repealed.

Company  
may pay in-  
terest not  
exceeding 8  
per cent.

**W**HEREAS it is expedient to amend and extend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act for making a Rail-road from the Village of Industry to the Township of Rawdon, in Lower Canada*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the twenty-fourth Section of the Act above recited, as limits the interest which may be paid by the aforesaid Company on securities to be granted by them, to the rate of six per centum per annum, shall be and is hereby repealed, and that it shall be lawful for the said Company to borrow money to the amount and in the manner provided in the said Act above recited, and to pay interest thereon at any rate not exceeding eight per centum per annum.

English rules  
of evidence to  
apply in cases  
where the  
Company is a  
party, &c.

II. And be it enacted, That in all suits at law brought by or against the said Company, recourse shall be had as to evidence, to the law of England, as recognized by the Courts of Lower Canada in commercial cases; and that no witness shall be held to be incompetent to give evidence by reason of his being a Shareholder in the said Company.

Public Act.

III. And be it enacted, That this Act shall be deemed and taken to be a Public Act.



## CAP. XLIX.

An Act to extend the provisions of the eighteenth Section of *The Rail-way Clauses Consolidation Act* to the Act incorporating *The Peterborough and Port Hope Rail-way Company*.

[10th November, 1852.]

WHEREAS the Municipal Councils of the Town of Port Hope and of the Townships of Hope and Cavan, in the County of Durham and of the Township of South Monaghan, have by their petitions set forth that they are desirous of subscribing for shares in the stock of *The Peterborough and Port Hope Rail-way Company*, under the provisions of the eighteenth Section of *The Rail-way Clauses Consolidation Act*; but that they have been advised that the provisions of the said Section do not extend to the said Company, inasmuch as the same was incorporated before the passing of *The Rail-way Clauses Consolidation Act* aforesaid, and have prayed that the said provisions and certain other provisions of the said Act may be extended to the Company and the Rail-way to be made by them; And whereas it is expedient to extend the provisions aforesaid to the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the ninth Section headed "Powers," the eighteenth Section headed "Municipalities," and the nineteenth Section headed "Shareholders," of *The Rail-way Clauses Consolidation Act*, and all the provisions thereof respectively, shall apply to *The Peterborough and Port Hope Rail-way Company* aforesaid, and the Rail-way authorized to be made by the said Company, and shall be and are hereby incorporated with, and shall make part of the Act of Incorporation or Charter of the said *The Peterborough and Port Hope Rail-way Company*, and such Act of Incorporation or Charter shall be held to be referred to in the said Sections by the expression, "the Special Act," whenever it occurs therein; Provided always, that any Municipality desirous of aiding in the construction of the said Rail-way, shall and may in addition to the powers conferred hereby, be at liberty to do so, by passing a By-law for the purpose, in the manner prescribed by and subject to the provisions of any Act that may be passed during the present Session, to establish a consolidated Municipal Loan Fund for Upper Canada.

Sec. 18 of 14 & 15 V. c. 51, extended to the said Company and to Companies incorporated before the passing of the said Act.

Declaratory  
clause as to  
commence-  
ment of this  
Railway.

II. And whereas doubts might arise as to whether the proceedings had and things done by the Peterborough and Port Hope Rail-way Company, amount to a commencement of their Rail-way within the meaning of the provisions hereinafter referred to; for the avoidance of such doubts—Be it declared and enacted, that the period limited by the thirty-first section of the Act passed by the Legislative Assembly and Legislative Council of this Province, in the ninth year of Her Majesty's Reign, but assented to by Her Majesty in Council in the tenth year of Her Reign, and intituled, *An Act to incorporate the Peterborough and Port Hope Rail-way Company*, as that within which the Rail-way therein mentioned was to be commenced, shall be and is hereby extended to the term of four years from the passing of this Act, and the said Act shall be construed and have effect as if the said period had been limited for the purpose aforesaid, by the said section, instead of the period of four years from the passing of the said Act, as therein contained.

Meeting to  
elect Direct-  
ors.

III. And be it enacted, That on the second Monday in January next, a Meeting of the Stockholders shall be held at Graham's Inn, in the Township of Cavan, who in the manner in the said Act provided, shall proceed to elect Nine Directors, who shall elect by ballot, one of their number to be their President, and who shall continue in office until the next Annual Meeting of the Company, and who during such continuance in office, shall discharge the duties of Directors in the same manner as if they had been elected at the Annual Election.

Place of meet-  
ing.

IV. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted at such place as the Directors or a majority of them, shall from time to time agree upon and appoint, any thing in the twentieth section of their Act of Incorporation to the contrary notwithstanding.

## C A P. L.

### An Act to amend the Charter of the Erie and Ontario Rail-road Company.

[10th November, 1852.]

Preamble.

**W**HEREAS the Erie and Ontario Rail-road Company have by their Petition prayed that the Act passed by the Legislature of the late Province of Upper Canada, in the fifth year of the Reign of his late Majesty King William the Fourth, intituled, *An Act to incorporate certain persons therein mentioned under the name and title of the Erie and Ontario Rail-road Company*, may be amended, so as to empower the said Company in their discretion to alter the route of their present road, and to extend the same to the Niagara River at or near the Town of Niagara, and to increase the Capital Stock of the said

Act of U. C.  
5 W. 4. c. 19.



said Company and for other purposes ; And whereas it is desirable that the prayer of the said Petition should be granted : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the said Act or any other Act of the Parliament of this Province contained, it shall and may be lawful for the said Company and they are hereby authorized to vary or alter in their discretion the line or route of their present road in any part thereof, and to pass by or near the Niagara Falls' Suspension Bridge, and thence to the Queenston Mountain at the ravine leading to St. Davids, or at such other point as they may deem most advisable, and thence to continue the said road in a direct course or such other course as they may see proper to the said Niagara River at or near the said Town of Niagara, and to extend one or more branches thereof from such point or points on their said road as they may deem advisable to the said Suspension Bridge, to the Clifton House, and to the Village of Queenston, if they deem it expedient ; and they are hereby given and granted the same rights and powers to enter into, survey and procure title to the lands required for the purposes of the said Company as regards such altered or changed route of the said road, as well as in respect to the extension of the same as are provided for in and by the original Charter of the said Company in relation to entering upon, surveying and procuring title to lands generally for the purposes of the said Company.

The Company may vary the line of their road so as to pass through or near certain places.

II. And be it enacted, That notwithstanding as aforesaid, the whole Capital Stock of the said Company, exclusive of any real estate which the said Company may have or hold by virtue of the said recited Act or of this Act, shall not exceed the sum of One hundred and fifty thousand pounds, with a privilege to the said Company of extending the amount of said Capital to the amount of Two hundred and twenty-five thousand pounds in the event of the extension of the works to Lake Erie, as provided for in and by the original Charter ; and that such Capital or Stock of One hundred and fifty thousand pounds or Two hundred and twenty-five thousand pounds (if increased) be held in Twelve thousand or Eighteen thousand shares of Twelve pounds ten shillings each, and such share shall be deemed personal property, and may, after the first instalment thereon shall have been paid, be transferred by the respective persons, bodies corporate or politic holding the same, to any person or persons, and such transfer or transfers shall be entered and registered in a book or books to be kept for that purpose by the said Company.

Capital of the Company increased.

Further increase authorized.

Amount of each share ; shares to be personalty, and transferable.

Proportion of  
votes to  
shares.

Proviso:  
First election  
of Directors.

Proviso.

Company  
may contract  
with any  
Bridge Com-  
pany, or keep  
vessels of  
their own,  
for certain  
purposes.

Company  
may borrow  
money, and  
issue Debentures,  
pledge  
their prop-  
erty, &c.

III. And be it enacted, That the election of Directors for the said Company shall be held at the time and place and on the notice prescribed by the Act incorporating the said Company ; but at each election of Directors held after the passing of this Act, each Stockholder shall be entitled to the number of votes proportioned to the number of shares of Stock which shall stand in his or her name at the time of holding such election, any thing in the original Charter of the said Company to the contrary notwithstanding ; Provided always, and it is hereby enacted, That the first election of Directors to be held after the passing of this Act, shall take place so soon as Three thousand shares of the Capital Stock of the said Company shall have been subscribed and the first instalment paid thereon, and that from and after such first election the now Directors of the said Company, or the Directors for the time being elected under the original Charter, shall be immediately superseded, and their powers and authority cease and determine, and the same shall thenceforth be exercised only by the Directors elected under this Act ; Provided nevertheless, that the same notice shall be given of such last mentioned election of Directors as is required to be given in and by the original Charter.

IV. And be it enacted, That the said Company shall have power to contract or agree with any Bridge Company to transport passengers and freight across, and to and from the said Niagara River at any point between Lake Ontario and the South-western terminus of their said road, and to pay such compensation therefor as they may think proper, and to construct, own or employ, at the cost and charge of the said road, a steamboat or steamboats for the transportation of passengers and freight from the termini of the road of the said Company to any point or points on the Niagara River or Lake Erie or Lake Ontario, that the Directors may deem expedient for the purpose of connecting with their said road.

V. And be it enacted, That it shall be lawful for the said Company, from time to time, either in this Province or elsewhere, to borrow such sums of money as may be expedient for completing, maintaining and working the said Rail-way, and at a rate of interest not exceeding six per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in Currency or in Sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or as shall be necessary, and to hypothecate, mortgage, or pledge the lands, titles, revenues and other property of the Company for the due payment of the said sums and the interest thereof ; but no such Debenture shall be for a less sum than Twenty-five pounds ; and the Directors of the said Company may confer upon the holders of any such Bond, Debenture or other security issued by the Company as aforesaid, the right to convert the principal due



or owing thereon into Stock of the said Company at any time not exceeding ten years from the date thereof, under such regulations and on such conditions as the said Directors may see fit to adopt or impose.

VI. And be it enacted, That it shall be lawful for the said Company to cross, intersect, join and unite their Rail-way with any other Rail-way at any point on its route or branches, and upon the lands of such other Rail-way with the necessary conveniences for the purposes of such connection ; and the owners of both Rail-ways shall unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators in the manner provided for by the original Charter in respect to ascertaining and determining the value of lands taken by the said Company for the purposes of the said road ; and the said Company have hereby full power and authority to carry their said road along and upon any road allowance or existing highway, provided they shall obtain the consent of the proper Municipal authority therefor, and shall leave an open and good passage for carriages thereon ; Provided always, nevertheless, that it shall be lawful for the said Company merely to cross the said road allowance or highway in the line of their Rail-way without the necessity of obtaining any such consent as aforesaid.

Company may form a junction with the Rail-way of any other Company : terms to be fixed by agreement or arbitration.

Proviso.

VII. And be it enacted, That every Shareholder in the said Company, whether a British Subject or Alien, or a resident in Canada or elsewhere, has and shall have equal right to hold Stock in the said Company, to vote on the same, and to be eligible to office in the same Company.

Aliens may vote and hold office in the Company.

VIII. And be it enacted, That it shall be lawful for any Municipal Corporation within whose jurisdiction the said Rail-road, or any part of it may be made, to subscribe and hold such amount of shares on the said Capital Stock of the said Company as they may deem expedient ; or they may lend their assistance by loaning money to such Company, or in any other manner that to them may seem meet, in aid of making, constructing or completing the said Rail-road or any part thereof, subject always and in conformity with such Laws as are now in force or may be passed during the present Session of Parliament respecting the terms and conditions on which Municipalities may take Stock in or make loans in behalf of any undertaking or work to be carried on in this Province ; and the Stock so subscribed by such Municipal Corporation shall be represented by the Mayor, Warden or Reeve for the time being of such Municipal Corporation, or by such person as said Municipal Corporation may appoint for that purpose, and such Mayor, Warden, Reeve or person so appointed as aforesaid, shall be *ex officio* a Director of the said Company in addition to

Certain Municipal Corporations may subscribe for Stock, or otherwise assist the Company.

How such Stock shall be represented.

the Directors now by Law authorized to be elected, but such Municipal Corporation being represented by an Officer *ex officio*, shall not be entitled to vote at any election of Directors in respect to the Stock subscribed for or held by such Municipal Corporation, but at all other Meetings of the said Company the said Mayor, Warden, Reeve, or person so appointed as aforesaid, shall be entitled to vote in like manner and to the same extent as any other Director of the said Company; any law or usage to the contrary thereof notwithstanding.

Company  
may hold cer-  
tain Real  
Estate.

IX. And be it enacted, That in addition to the Real Estate which the said Rail-road Company is now by Law authorized to hold, it shall also be entitled to have and hold all such Real Estate as may be necessary for Wharves, Docks, Warehouses, Engine Houses and Workshops, at the terminus on the Niagara River and Lakes Erie and Ontario, and at the River Welland.

Inconsistent  
enactments  
repealed.

X. And be it enacted, That all enactments in the original Charter of the said Company, and all Acts or laws inconsistent with the provisions of this Act, shall be and the same are hereby repealed, but in so far only as the same apply or may be held to apply to any thing provided for in this Act.

Effect of  
Sales of the  
Road or Stock.

Proviso.

XI. And be it enacted, That any Sale or Sales of the Rail-road or the Stock therein heretofore or hereafter *bonâ fide* made, to satisfy any *bonâ fide* debt or debts due by the said Company, shall vest the ownership thereof in the *bonâ fide* purchaser or purchasers thereof, together with all and singular the property, privileges and appurtenances thereunto belonging; Provided that any such Sale or Sales made or to be made, shall not be held to extinguish any legal debt or debts due and owing by the said Company, but the rights of all Creditors of the said Company shall be and are hereby declared to be preserved to them, to the same extent and in like manner as they existed prior to the passing of this Act.

Craft may use  
Company's  
wharves,  
paying the  
Tolls.

XII. And be it enacted, That all or any Steamboat or Steamboats, Schooner or Schooners and all other Craft shall have full liberty to touch at, moor to and use the wharves and docks of the said Company, at all reasonable times, upon payment of the usual rates or charges fixed or to be fixed by the said Company therefor.

## C A P. L I.

An Act to amend the Act incorporating the *Ontario, Simcoe and Huron Rail-road Union Company.*

[10th November, 1852.]

Preamble.

WHEREAS it is desirable to amend the Act passed in the twelfth year of Her present Majesty's Reign, intituled, 12 Vic. c. 196. *An Act to incorporate the Toronto, Simcoe, and Lake Huron Union*



*Union Railroad Company*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the said Act as relates to the raising of funds for the construction of the Railroad therein mentioned by means of allotments by chance or distribution of prizes, shall be and the same is hereby repealed.

Lottery clauses repealed.

II. And be it enacted, That the Directors of the said Company shall and they are hereby required, within two weeks after the passing of this Act, to call a meeting of the Shareholders of the said Company, at the City of Toronto, to be held within five weeks after the passing of this Act, for the purpose of electing Directors, and they shall cause notice of the time, place and object of such meeting to be published in at least two newspapers published in the said City, fourteen days previous to the holding the same; and at such meeting the Shareholders assembled, with such proxies as shall then be present, shall choose eleven persons, being each a proprietor of not less than twenty shares, to be Directors of the said Company; and that this clause shall stand in the place of the twenty-fifth clause of the said Act, which said twenty-fifth clause is hereby repealed.

Meeting to be called for the election of Directors.

Sect. 25 repealed.

III. And be it enacted, That the Directors so elected, or those appointed or elected in their stead in case of vacancy, as in the said Act of Incorporation is provided for, shall remain in office until the first Monday in the month of June following after their election or appointment, and that on the first Monday in June in each year thereafter, or on such other day as shall be appointed by any By-law, an annual General Meeting of the Proprietors of the said Company shall be held at the Office of the Company for the time being, to choose Directors in the room of the preceding Directors who shall then go out of office: Provided always, that the retiring Directors who shall be duly qualified shall be eligible to be re-elected from time to time.

Directors' term of office.

Proviso.

IV. And be it enacted, That the number of votes which each proprietor of shares in the said Company shall be entitled to give on any occasion, when he shall be legally authorized, to vote, shall be as follows: that is to say, one vote for every share not exceeding one hundred; a further vote for every additional five shares over one hundred shares, up to five hundred shares; and a further vote for every additional ten shares over five hundred: Provided that no proprietor or corporation shall be entitled to give a greater number of votes

Proportion of votes to shares.

Proviso.

Proviso. votes than five hundred ; and provided, further, that nothing herein contained shall be held to prevent the City of Toronto and the County of Simcoe having each a Director in the said Company, under the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and chaptered eighty-one : Provided always, that if any of the original Shareholders in the Company, excepting always Messrs. Storey & Co., the Contractors for the said Road, the City of Toronto and the County of Simcoe, shall, within three months after the passing of this Act, apply for the repayment of any instalment paid in cash by them or any of them, to the said Company on the shares for which they have subscribed, the Directors of the Company shall on demand refund the amount so paid and the said shares shall thereafter be considered cancelled.

No vote until all calls are paid. V. And be it enacted, That no Shareholder shall be entitled to vote on any occasion until all calls or instalments legally called in and due by him are paid.

Company may erect Cattle-guards instead of Gates. VI. And be it enacted, That the said Company may, instead of erecting Gates on each side of the Rail-road, where it crosses the public highway, as required by the fourteenth Section of the Act first above cited, erect cattle guards at such road crossing as shall appear more conducive to the public safety and convenience ; and provided always, that the Board of Rail-way Commissioners shall approve of the same.

Recital. VII. And whereas doubts have arisen as to whether the Directors named in the said first above cited Act and their successors had or have authority to contract for the construction of the said Rail-road, and generally to act in the premises, and it is desirable to set at rest such doubts ; Be it therefore enacted, Things done by present Directors confirmed. That each and any act, matter or thing heretofore done or to be done by such Directors and their successors, shall be held and taken to be valid to all intents and purposes, as if any such act, matter or thing were done by Directors duly qualified under the provisions of the twenty-fifth clause of the said Act, and provided such acts, matters and things, were within the power and authority of such Directors.

Recital. VIII. And whereas it is expedient to construct at or near the terminus of the Rail-road on Lake Huron a Harbor for the convenience of the Public and facilitating the traffic of the Road ; Company empowered to construct a harbor at or near the terminus of their road on Lake Huron. Be it enacted, That the said Company are hereby authorized and empowered to construct a Harbor at or near the northern terminus of the said Rail-road on Lake Huron, which shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of vessels as commonly navigate Lake Huron, and also to erect and build up such needful moles, piers, breakwaters, wharves, buildings, erections and constructions whatsoever, as shall be necessary, useful and proper for the



the protection of such Harbor, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair, enlarge, deepen and dredge the said Harbor from time to time as may be found expedient and necessary, and also a Dry Dock or Rail-way calculated for refitting and repairing all shipping at such Harbor.

IX. And be it enacted, That it shall and may be lawful for the Directors of the said Company from time to time to regulate, fix and establish the rates of wharfage, tolls, dues or duties payable by persons navigating or using rafts, vessels, boats, or other craft on Lake Huron, and who may from time to time partake of the benefits and advantages of the said Harbor, Wharves, Docks or Rail-way, or of the store-houses or other protections and erections for the safe keeping, repairing and refitting of all vessels, boats, crafts or rafts of any description, and of goods, wares and merchandize shipped or unloaded within the said Harbor, and to alter the said tolls, dues, duties and demands as they may deem proper and expedient; a copy of which tolls, rates and dues, shall be affixed up in not less than three places at or near to the said Harbor: *Provided always, that such tolls, rates and dues shall be subject to the approval of the Governor of this Province.*

Directors to fix tolls for the use of such harbor, &c.

*Proviso.*

X. And be it enacted, That if any person shall neglect or refuse to pay the rates, tolls, dues or demands aforesaid, it shall and may be lawful for the said Company or their Officer, Clerk or Servant duly appointed, to seize or detain the goods, vessels or boats on which the same shall be due and payable, until such tolls shall be paid, and if the same shall remain unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant as aforesaid, may sell or dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said rates, tolls, dues and demands, by public auction, giving ten days' notice thereof, and return the surplus, if any, to the owner or owners thereof.

Goods on which tolls shall be unpaid may be detained and sold.

XI. And be it enacted, That all ships and vessels owned by or belonging to or in the use of Her Majesty or the Provincial Government, shall from time to time have free access and privilege of occupancy and sheltering under and using the privileges, safeties and advantages of the said Harbor, Wharves, Dry Dock or Rail-way, free of all tolls or duties whatsoever.

Public vessels not to pay tolls.

XII. And whereas the Municipal Council of the County of Simcoe, by a By-law made in the month of January, one thousand eight hundred and fifty-one, under the provisions of the said Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *A By-law to provide for taking Stock in the Ontario, Simcoe and Huron Rail-road Company,*

County of Simcoe By-law taking £50,000 Stock in Company declared legal.

*Company, in the sum of fifty thousand pounds, issuing debentures for that amount, and securing payment of the same, agreed to take Stock in the said Company to the amount of fifty thousand pounds, and authorized the Warden of the said County forthwith thereafter to take and subscribe for such Stock on behalf and in the name of the said Council, and for payment thereof, to issue debentures payable in twenty years for such amount; And whereas in pursuance of such By-law, the said Warden did take and duly subscribe for the said fifty thousand pounds of Stock in the books of the Company, and did issue debentures to the said amount, and in compliance with the terms of the said By-law issued from time to time to the said Company, the said fifty thousand pounds of debentures; And whereas doubts exist as to the form of the said By-law, and it is desirable to set at rest such doubts: Be it enacted, That the said By-law shall not be liable to be quashed or annulled for any want of form or otherwise, but the same shall be held and taken to be a good and valid By-law to all intents and purposes whatsoever.*

Part of Act  
cited, repeal-  
ed.

XIII. And be it enacted, That so much of the Act cited in the preamble of this Act, as shall be found to be inconsistent with the provisions of this Act, shall be and is hereby repealed.

## CAP. LII.

### An Act to amend the Act incorporating *The Bytown and Prescott Rail-way Company.*

[10th November, 1852.]

Sect. 6th of  
Act 13 & 14  
Vic., c. 132,  
repealed.

**W**HEREAS it is necessary and expedient to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the Incorporation of a Company to construct a Rail-road between Bytown and Prescott*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the sixth Section of the said first recited Act, be and the same is hereby repealed.

Bridges carry-  
ing Rail-way  
over or across  
any highway  
to be 20 feet  
wide and 12  
feet high.

II. And be it enacted, That the space of the arch of any bridge erected for carrying the Bytown and Prescott Rail-way over or across any highway, shall at all times be and be continued of the open and clear breadth and space under such arch of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch, of not less than twelve feet, and the descent under any such bridge shall not exceed one foot in twenty feet.

III.



III. And be it enacted, That for the enregistration of the deeds and conveyances of the lands conveyed to *The Bytown and Prescott Rail-way Company*, for the purposes of the said Rail-way, Memorials shall not be necessary, but a book or books of copies of such deeds or conveyances shall be made by the said Company, and such copies of such deeds or conveyances of lands shall be deposited in the Registry Office of the County in which any such lands are situated, and the Registers are hereby required to receive and preserve such copies as records of the enregistration of all such deeds and conveyances respectively, and the Registers are also required to compare such copies with the original deeds or conveyances, and to certify upon each of such original deeds or conveyances that a copy thereof is duly deposited of record in the office as required by this Act, and such enregistration shall be to all intents and purposes good and sufficient in law, notwithstanding any thing to the contrary thereof in anywise contained in any Statute of this Province respecting the enregistration of deeds or conveyances of lands; and such Book shall be considered as the property of the County with whose Register it is deposited, and shall be called the Register Book of Titles of the Bytown and Prescott Rail-way Company, and every Register shall make an entry in the Index of the Register Book for each Township in which any land may lie, whereof the deed to such Company may be registered in such Book as aforesaid, and thereby refer to the page in such last mentioned Book where the said Deed is registered, in the same way as if it had been registered in the Register Book of such Township: Provided always, That the Copies of all such Deeds as contained in such Book, shall be proved on Oath by a subscribing witness of each Deed, a copy of which is inscribed in such Book, and in the same manner as Memorials are now proved, and the usual fees paid for the same.

Enregistration of Deeds to be by depositing a book or books of copies thereof with the County Registrars.

Originals to be certified by Registrars, &c.

Such enregistration good in law

Proviso.

IV. And be it enacted, That the Board of Directors of the said Company may employ one or more of their Directors, as paid Director or Directors.

Paid Directors

V. And be it enacted, That the said Company shall have power to become parties to promissory notes or bills of exchange, for sums not less than twenty-five pounds, and any such promissory notes made or endorsed, and any such bill of exchange, drawn, accepted or endorsed by the President of the Company, or the Vice-President, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or the Secretary or Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company, to issue any note payable to bearer,

Company may become party to promissory notes and bills of exchange.

Proviso.

Notes not to be payable to bearer nor to circulate as money.

bearer, or any note intended to be circulated as money, or as notes of a Bank ; and provided also, that nothing in this Section shall be construed either to impair, strengthen or otherwise affect the rights of any person or persons holding bonds, bills of exchange or promissory notes, executed, made, signed or endorsed before the passing of this Act.

The Company may issue preferential Stock.

VI. And be it enacted, That it shall and may be lawful for the said Company, at any annual or special General Meeting of Shareholders, called in such manner as by law required, to declare that the shares, or any given number of the shares of the Capital Stock of the Company remaining unsubscribed for, shall, on being subscribed for, entitle the holders thereof to a preference in the division of profits, in such manner and to such extent as by such Meeting of Shareholders shall be determined and authorized, and thereupon the Shares to be newly subscribed for, and to be entitled to such preference, shall be distinguished as shares of the new and preferential Stock of the Company, and the Directors of the said Company shall and may thereafter from time to time, and wheresoever in this Province or elsewhere, and under such regulations as they shall deem meet, open a book or books for the receipt of subscriptions for the Shares of the new and preferential Stock of the Company, and subscribers for such Stock and their legal representatives and assigns shall be deemed holders of the Shares so subscribed for, and shall be liable and bound to pay the same according to the conditions of the subscription ; but no such holder shall be subject in any way whatsoever for any liability of the said Company, beyond the amount unpaid on his or her Share or Shares subscribed for in such new and preferential Stock of the said Company. And all transfers of the Shares of the Capital Stock of the Company shall express, whether the Shares transferred are Shares of the old Stock or of the new and preferential Stock of the Company.

No individual liability beyond amount of Stock subscribed for.

Directors may make arrangements respecting freight, &c.

VII. And be it enacted, That it shall be lawful for the Directors of the said Company, to make and carry into effect any arrangement which they shall deem meet with any other Rail-way Company respecting the carriage of freight or passengers, or the working of their Rail-way and any other such Rail-way, or respecting the tolls to be charged for the carriage or freight, or passengers thereon.

Directors may alter guage.

VIII. And be it enacted, That it shall be lawful for the Directors of the said Company, to alter the guage of the said road if they deem it advisable, to correspond with other roads in the Province.

Public Act.

IX. And be it enacted, That this Act shall be a Public Act.



## CAP. LIII.

An Act for the granting of certain Lots in the Town of Bytown to *The Bytown and Prescott Rail-way Company.*

[10th November, 1852.]

**W**HEREAS lots numbers four, five and six on the west side of Dalhousie street, ten, eleven, twelve and thirteen on the north side of Bolton street, and ten, eleven, twelve and thirteen, on the south side of Boteler street on Lot Letter O, in the Town of Bytown, were reserved by Order of Council for the purpose of a Market site; And whereas the said Lots are unsuitable for that purpose, and the Municipal authorities of the Town of Bytown have made other provision for markets, and have expressed their concurrence in the said Lots being granted to *The Bytown and Prescott Rail-way Company*; And whereas the said Rail-way Company require the said Lots for ground for the Dépôt at Bytown, and have petitioned for a grant thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Her Majesty, Her Heirs or Successors, to grant to *The Bytown and Prescott Rail-way Company* all and singular the said several Lots or Parcels of land and premises, with the appurtenances, to hold to the said *The Bytown and Prescott Rail-way Company*, in fee simple for the uses of the said Company.

Certain lots at Bytown may be granted to the Company.

## CAP. LIV.

An Act to authorize the Town of Dundas to grant its security to the Great Western Rail-road Company, on behalf of the Desjardins Canal Company, for certain improvements on the said Canal.

[10th November, 1852.]

**W**HEREAS extensive operations are now being carried on by the Great Western Rail-road Company for improving the navigation of the Desjardins Canal, by means of a cut passing directly through the Burlington Heights and connecting the waters of the Canal with those of Burlington Bay, at or for the sum of fifteen thousand pounds, to be paid to the said Great Western Rail-road Company by the said Desjardins Canal Company, for the payment of which sum of money the Municipality of the Town of Dundas, in the County of Wentworth, are willing to become surety, and have prayed that power may be given to them to enter into

Municipality of Dundas empowered to become security to Great Western Rail-road Company on behalf of Desjardins Canal Company for the sum of £13,000.

into and execute the necessary guarantee or security therefor ; And whereas it is just that such power be granted : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Municipality of the said Town of Dundas in their discretion, to pass any By-law to authorize the Mayor and Corporation thereof to enter into and become security to the Great Western Rail-road Company on account and on behalf of the said Desjardins Canal Company for the sum of fifteen thousand pounds, for the work now in progress by the Great Western Rail-road Company under their agreement with the said Canal Company ; or it shall be lawful for the said Municipality to issue Debentures, the principal or interest thereon payable in such sums and at such periods and places, or to enter into and execute any and every such instrument or document in writing, for carrying out and perfecting the aforesaid security to the Great Western Rail-road Company, as in the judgment of the said Mayor and Corporation may be deemed necessary or expedient ; and that any such By-law so to be passed or which may have been passed, shall have and take full force and effect, and be binding as any By-law the said Municipality are now by law authorized to pass or make.

Sinking Fund.

II. And be it enacted, That from and out of the Revenues of the said Canal, the Directors shall in each and every year deposit to the credit of the Receiver General, in such one of the Chartered Banks of the Province as he shall direct, a sum not less than one hundred pounds, such sum and the interest accruing thereon from time to time, to be invested by the Receiver General in public securities, and to form a Sinking Fund for the redemption of the debt hereby authorized to be incurred.

Desjardins Canal Company to make Annual Returns.

III. And be it enacted, That the said Desjardins Canal Company shall make annual returns to the Governor of this Province, to be laid before the Legislature, and to the Town Council of Dundas, shewing the state of the affairs of the said Company, the gross amount of Revenue and Expenditure, and the amount paid over to the Sinking Fund under the last preceding section.

Dundas Town Council to appoint Directors.

IV. And be it enacted, That upon the security or guarantee of the Municipality of the said Town of Dundas being granted and completed to the said Great Western Rail-road Company as aforesaid, and so long as the said security or guarantee, or any such Debentures, Instrument or Document as aforesaid shall continue or be in force, the Town Council of the Town of Dundas shall have power to appoint two persons who shall be Directors of the said



said Desjardins Canal Company, and shall exercise and be entitled to equal powers and privileges with the other Directors of the said Canal Company, and be eligible to the office of President thereof.

V. And be it enacted, That it shall and may be lawful for the said Desjardins Canal Company or the said Great Western Rail-road Company, to permanently close, shut and fill up the channel or course of the present Canal at its eastern extremity, and at the place where the line of the Great Western Rail-road crosses or intersects the said channel or course of the said Canal, and to erect, keep and maintain a safe and commodious bridge over and across the opening or cut through the said Burlington Heights for all Her Majesty's liege subjects, their horses and carriages, free of toll at all times thereupon, and thereby to pass and repass.

Power given to close the Canal and to erect a Public Bridge over cut through Burlington Heights.

VI. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the Governor General from time to time to appoint two Directors in addition to the Directors of the Desjardins Canal Company, and such appointment shall be made at the period provided by law for the election of Directors for the said Company.

Governor General may appoint two Directors.

VII. And be it enacted, That if at any time the said Desjardins Canal Company shall fail to pay the interest that may be due on any sums of money advanced by the Municipality of the Town of Dundas as aforesaid, or fail to pay the annual sum required by this Act for a Sinking Fund, then in such case, it shall be lawful for the Governor General to appoint Trustees who shall forthwith assume the management of the said Canal, and shall exercise and be entitled to the same powers and privileges, and perform the same duties as now belong to the Directors of the said Desjardins Canal Company.

On default of payment by Company, Governor may appoint Trustees.

VIII. And be it enacted, That this shall be a Public Act.

Public Act.

## C A P. L V.

An Act to authorize an addition to the Capital Stock of the Bank of Montreal, and to facilitate the transfer of Shares in certain cases.

[10th November, 1852.]

**W**HEREAS the Bank of Montreal have prayed for authority to increase their Capital Stock, and to make their Shares of Stock transferable in Great Britain, and it is expedient to grant the prayer of their Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces*

Preamble.

Bank may add  
£250,000 to  
its Capital  
Stock; to be  
paid by  
instalments,  
&c.,

Proviso.

Proviso.

*Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Bank of Montreal, constituted and incorporated by an Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to renew the Charter of the Bank of Montreal, and to increase its Capital Stock*, to add to their present Capital Stock the sum of two hundred and fifty thousand pounds currency, divided into five thousand shares of fifty pounds each, which shares shall and may be subscribed for, either in or out of this Province, in such proportions or numbers and at such times and places and under such regulations, as the Directors of the Bank shall from time to time establish; and the shares subscribed for shall be paid in by such instalments and at such times and places, as the Directors shall from time to time appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and are hereby respectively indemnified for paying the same: Provided always, That no share shall be held to be lawfully subscribed for, unless ten *per centum* thereof, at the least, be paid at the time of subscribing; and that all the provisions of the fifth section of the aforesaid Act of Incorporation shall be applicable to all cases in which instalments on shares subscribed for under this Act, shall be unpaid; and provided also, that the said five thousand shares be subscribed for and wholly paid up within five years from and after the passing of this Act.

Subscribers  
may pay up  
Stock at once  
on certain  
conditions.

II. Provided always, and be it enacted, That when any person or party, desirous of subscribing for shares of the additional Capital Stock authorized by this Act, shall also be willing to pay up, at the time of subscribing, the full amount of the shares subscribed for, together with a premium thereon, it shall and may be lawful for the Directors of the Bank, and at any time within the aforesaid period of five years, to admit and receive such subscriptions and full payment, together with such premium as, at the time of subscribing, shall or may be agreed upon; and in every such case, the premium so received shall be carried to the account of the ordinary profits of the Bank; any thing in the said Act of Incorporation, or in this, or any other Act or Law to the contrary notwithstanding.

Stock may be  
made transfer-  
able, &c., in  
Great Britain.

III. And be it enacted, That shares of the Capital Stock of the Bank, may be made transferable, and the dividends accruing thereon may be made payable in Great Britain, in like manner as such shares and dividends are now, respectively, transferable and payable at the Bank in the City of Montreal; and to that end, the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.



IV. And be it enacted, That if the interest in any share in the said Bank become transmitted in consequence of the death, or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of the Act of Incorporation of the said Bank, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Judge or Justice of a Court of Record, or before the Mayor, Provost, or Chief Magistrate of a City, Town, Borough, or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration, so signed and acknowledged, shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share, as the holder thereof: Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other Country than in this, or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul, or Vice-Consul, or other the accredited representative of the British Government in the Country where the declaration shall be made; or shall be made directly before such British Consul, or Vice-Consul, or other accredited representative: and provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Transmission of shares by other means than transfer to be authenticated by a declaration.

Proviso.

Proviso.

V. And be it enacted, That if the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any Testamentary Instrument, or by Intestacy, the Probate of the Will, or the Letters of Administration, or of Curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders.

Proof of transmission by marriage, will, &c.

Bank not  
bound to re-  
gard trusts.

VI. And be it enacted, That the Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of the Bank may be subject; and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall, from time to time, be a sufficient discharge to the Bank for any dividend, or other sum of money, payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

Public Act.

VII. And be it enacted, That this Act shall be deemed a Public Act.

## C A P . L V I .

An Act to amend the Act to incorporate *The Montreal Cemetery Company*, and for other purposes therein mentioned.

[10th November, 1852.]

Preamble.

**W**HEREAS it is expedient to amend the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate The Montreal Cemetery Company*, and to change the name thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the corporate name of the said Company, be changed to *The Mount Royal Cemetery Company*.

Name of Com-  
pany.

Power given  
to Trustees to  
make broken  
lots.

II. And be it enacted, That the Trustees of the said Company shall have power to make broken or irregular lots of less or more than one hundred superficial feet, and to charge for the same in proportion to the superficies thereof.

14th Section  
and Proviso of  
15th Section  
of Act of In-  
corporation  
repealed.

Consecration  
not to give  
any religious  
body exclu-

III. And be it enacted, That the fourteenth section, and the proviso of the fifteenth section of the said Act, shall be and are hereby repealed, and instead thereof, Be it enacted, That in the event of the consecration of the said Cemetery or any part thereof, by any Religious denomination holding property therein, such act of consecration shall not be held to invest the said Religious body with any exclusive powers of jurisdiction either spiritual or temporal within the said Cemetery, saving the powers



powers invested in such Religious bodies under the provisions contained in the twentieth section of said Act. sive jurisdiction.

IV. And be it enacted, That from and after the next general Election of Trustees, no Religious denomination shall be entitled to elect one Trustee, unless the members of such Religious denomination are subscribers of twenty shares of the Capital Stock of the said Company. As to right of electing Trustees.

V. And be it enacted, That the real estate of the said Company, and the lots or plots, when conveyed by the Company to individual proprietors, shall be exempt from taxation or assessment of any kind, and not liable to be seized or sold on execution, or attached or applied to the payment of debts by assignment under any Bankrupt or Insolvent Law. That all the lots or plots of ground, when conveyed or numbered as lots, shall be indivisible, but may afterwards be held and owned in undivided shares. Exemption of real estate from taxation.

VI. And be it enacted, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure placed in the Cemetery aforesaid, or any fence, railing or other work for the protection of the said Cemetery, or of any tomb, monument, grave stone or other structure aforesaid, or of any lot within the Cemetery aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of the said Cemetery, or play at any game or sport, or discharge fire arms (save at a military funeral) in the Cemetery aforesaid, or who shall wilfully or unlawfully disturb any persons assembled, for the purpose of burying any body therein, or who shall commit any nuisance in such Cemetery, shall be deemed guilty of misdemeanor, and shall upon conviction thereof, before any Justice of the Peace, or other Court of competent jurisdiction, be punished by a fine of not less than one pound nor more than ten pounds, according to the nature of the offence, and in default of payment of the said fine shall be liable to imprisonment in the common Gaol of the District of Montreal, for a period of not less than fifteen days nor more than thirty days; and such offender shall also be liable to an action of trespass to be brought against him in any Court of competent jurisdiction, in the name of the said Company, to pay all damages which shall be occasioned by his unlawful act or acts; which money, when recovered, shall be applied under the direction of the Trustees, to the reparation and reconstruction of the property destroyed or injured, and Members and Officers of the Company may be competent witnesses in such suits. Trespasser, &c. may be sued by Corporation.

VII. And be it enacted, That the said Corporation shall make Regulations for ensuring that all Burials within the said Cemetery are conducted in a decent and solemn manner. Corporation to regulate Burials.

As to Burials. VIII. And be it enacted, That no body shall be buried in any Vault under any Chapel or other Building in the said Cemetery, or within fifteen feet of the outer wall of any such Chapel or Building.

Height of enclosures. IX. And be it enacted, That every part of the said Cemetery shall be enclosed by walls or other sufficient fences or railings of the height of eight feet at least.

Cemetery to be kept in repair. X. And be it enacted, That the said Corporation shall keep the said Cemetery and the buildings and fences thereof in complete repair and in good order and condition, out of the moneys to be received by them in virtue of this Act.

Sewers and drains to be maintained. XI. And be it enacted, That the said Corporation shall make all proper and necessary Sewers and Drains in and about the said Cemetery, for draining it and keeping it dry; and they may from time to time, as occasion requires, cause any such Sewer or Drain to open into any existing Sewer, with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the lands through which such opening is made, doing as little damage as possible to the road or ground wherein such Sewer or Drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

Penalty for corrupting any Spring or Rivers. XII. And be it enacted, That if the said Corporation at any time cause, or suffer to be brought or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the said Cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of twelve pounds ten shillings currency.

Who may sue for penalty. XIII. And be it enacted, That the said penalty, with full costs of suit, may be recovered by any person having a right to use the water fouled by such offensive matter, by a civil action in any Court of competent jurisdiction: Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

Suits for damages may be maintained. XIV. And be it enacted, That in addition to the said penalty of twelve pounds ten shillings (and whether the same be recovered or not), any person having right to use the water fouled by such offensive matter, may sue the said Corporation in a civil action in any Court of competent jurisdiction, for any damage specially sustained by him by reason of the water being so fouled; or if no special damage be alleged, for the sum of two pounds ten shillings for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the said Corporation by such person.



XV. And be it enacted, That the said Company shall be and are hereby empowered to assign a certain portion of the Cemetery for the exclusive use of the Members of the Jewish persuasion, subject to such conditions as the Trustees may prescribe.

Portion of Cemetery may be assigned to Jews.

XVI. And be it enacted, That the Sixteenth Section of the said Act shall be and is hereby repealed.

Clause repealed.

XVII. And be it enacted, That this Act shall be deemed a Public Act.

Public Act.

## C A P. L V I I.

### An Act to incorporate the *St. Mary's College of Montreal.*

[10th November, 1852.]

WHEREAS Monseigneur, Ignace, Roman Catholic Bishop of Montreal, Félix Martin, H. Durauquet, A. Larcher, A. Havequez, Adolphe Larcher and Jas. Durshaller, have, by their petition to the Legislature, represented that a College hath been established at Montreal for the education of youth, and have prayed that corporate powers be conferred on the said College, and in consideration of the great advantages to be derived from the said establishment, it is expedient to grant the prayer of the said petition : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said College, which shall be composed of the Roman Catholic Bishop of Montreal, the present Rector of the College, and his successors, the Professors and the Bursar of the said College, and their successors, together with all such other necessary officers as may be hereafter appointed under the provisions of this Act, and their several and respective successors, shall be and is hereby constituted a Body Politic and Corporate in deed and in name, by and under the name of *La Corporation du Collège Ste. Marie à Montréal*, and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall by the same name from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors, to and for the uses and purposes of the said Corporation, any lands, tenements and hereditaments, and real or immoveable property and estate, situate, lying

Preamble.

College incorporated, and of whom the Corporation, shall consist.

Corporate name and powers.

13 \*

Real property limited. lying and being within this Province not exceeding in yearly value the sum of one thousand five hundred pounds currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose, and by the said name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in all courts of law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law may or can sue and be sued, implead and be impleaded, answer and be answered unto in any matter whatsoever; and any majority of the members of the Corporation for the time being, shall have power and authority to make and establish such By-laws, Rules, Orders and Regulations, not being contrary to this Act or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation and for the management thereof, and for the admission of members into the said Corporation, and from time to time to alter, repeal and change the said By-laws, Rules, Orders and Regulations, or any of them, or those of the said Institution in force at the time of the passing of this Act, and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto; subject nevertheless, to the Rules, Regulations, restrictions and provisions hereinafter prescribed and established.

By-laws.

Other powers.

Revenue to be applied solely to certain purposes. II. Provided always, and be it enacted, That the rents, revenues, issues and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the members of the Corporation, the construction and repair of the buildings requisite for the purposes of the said Corporation, and to the advancement of education by the instruction of youth, and the payment of the expenses to be incurred for objects legitimately connected with, or depending on the purposes aforesaid.

Property and liabilities of the Institution transferred to the Corporation, &c. III. And be it enacted, That all and every the estate and property, real and personal, belonging to or hereafter to be acquired by the members of the said Institution, as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established, and all debts due by them or claims against them in their said quality shall be paid and discharged by the said Corporation; and the By-laws, Rules, Orders and Regulations now made for the management of the said Institution, shall be and continue to be the By-laws, Rules, Orders and Regulations of the said Corporation, until altered or repealed in the manner herein provided.

Corporation may appoint Attorneys, &c. IV. And be it enacted, That the members of the said Corporation, for the time being, or a majority of them, shall have power



power to appoint such attorney or attorneys, administrator or administrators of the property of the Corporation, and such officers and teachers and servants of the said Corporation, as shall be necessary for the well conducting of the business and affairs thereof, and to allow to them such compensation for their services respectively as may be right, and shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation as shall be prescribed by the By-laws, Rules, Orders and Regulations of the said Corporation.

V. And be it enacted, That it shall be the duty of the said Corporation to lay before each branch of the Provincial Legislature, within fifteen days after the beginning of each Session, a detailed statement of the number of members of the said Corporation, the number of teachers employed in the various branches of instruction, the number of scholars under instruction, and the course of instruction pursued, and of the real or immoveable property or estate, and of all personal estate or property producing income or profit, held by virtue of this Act, and of the revenue arising therefrom.

Accounts to be  
laid before the  
Legislature.

VI. And be it enacted, That this Act shall be deemed to be a Public Act.

## CAP. LVIII.

An Act to amend two certain Acts therein mentioned,  
and for other purposes connected with the adminis-  
tration of McGill College.

[10th November, 1852.]

**W**HEREAS the President and Trustees of the Royal Institution for the advancement of Learning, Governors of McGill College, have, by their petition, prayed for the amendment and extension of an Act of the Parliament of the late Province of Lower Canada made and passed in the forty-first year of the Reign of His late Majesty King George the Third, and intituled, *An Act for the establishment of Free Schools and the advancement of Learning in this Province*, and of an Act of the Parliament of this Province made and passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to enable the Corporation of the Royal Institution for the advancement of Learning to dispose of certain portions of land for the better support of the University of McGill College*, and it is expedient to amend the said Acts: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada*,  
and

Preamble.

Act of L. C.  
41 Geo. 3, c.  
17.

Act of Ca-  
nada 8 Vict. c.  
78.

Who shall  
preside in the  
absence of the  
President.

and for the Government of Canada, and it is hereby enacted by the authority of the same, That in the absence of the President or Principal of the Royal Institution for the advancement of Learning, the member first or senior in order of appointment, present at any meeting of the said Corporation, shall preside.

Power to  
appoint and  
remove Officers  
and Ser-  
vants.

II. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning to appoint from time to time Officers and servants of the Corporation, and the same to remove.

Powers to  
make By-  
laws con-  
cerning meet-  
ings of the  
Corporation.

III. And be it enacted, That at any meeting after the passing of this Act to be assembled and held in accordance with the provisions of the said Act, passed in the forty-first year of the Reign of His late Majesty King George the Third, it shall be lawful for the said Royal Institution for the advancement of Learning to provide and fix by By-laws, Rules and Orders, the place, times and manner in which the said Corporation shall assemble, and the number and description of members which shall be requisite for transacting the business and executing the trust of the said Corporation.

Disallowance  
of By-laws by  
the Governor  
substituted for  
the necessity  
of his sanc-  
tioning them.

IV. And be it enacted, That all By-laws, Rules, Orders, Constitutions and Ordinances hereafter to be made by the said Royal Institution for the advancement of Learning, not being repugnant to any law of this Province, shall have full force and effect without being sanctioned or confirmed by the Governor of this Province; Provided always, that a certified copy thereof shall be sent to the Governor through the Post Office, and that it shall be lawful for him to signify his disallowance of the same within sixty days thereafter.

Corporation  
may dispose  
of lands for an  
irredeemable  
ground rent,  
but it need not  
be subject to  
increase.

V. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning to alienate and dispose in perpetuity of such portions of the lands, tenements and estate by them held or to be held in trust for McGill College, as they may deem expedient for the support and advantage of the said College, for an annual irredeemable ground rent (*rente foncière non rachetable*) and not otherwise, subject to such terms and conditions and with such formalities only of procedure as they may deem most advantageous for the said College; and it shall not be necessary that such ground rent (*rente foncière*) be subject to any future increase of amount.

Corporation  
may cancel  
existing deeds  
on terms to be  
agreed upon—  
raise loans,  
&c.

VI. And be it enacted, That it shall be lawful for the said Royal Institution for the advancement of Learning, if they shall deem it to the advantage of the said College so to do, to cancel and annul any deed or deeds heretofore by them granted for the disposal of any portion of the said lands, tenements and estate, upon such terms as by them and the other parties to such deed or deeds may be mutually agreed upon, as also, from time to time, to obtain and take any loan or loans of money for the  
uses



uses of the said College, and upon such security, whether by hypothecation or otherwise, and upon such other terms and conditions as they may stipulate and assume ; Provided always Proviso. that the amount of such loan or loans shall not, at any one time, in the whole, exceed the sum of three thousand pounds.

VII. And be it enacted, That the rents, issues and profits, sum and sums of money by the said Royal Institution for the advancement of Learning, held and possessed or which may be by them hereafter received, shall not be paid into the hands of the Receiver General of this Province, but the same shall be received by the Treasurer of the said Royal Institution for the advancement of Learning, and be by him deposited and disposed of in such manner as, from time to time, the said Royal Institution for the advancement of Learning may direct ; Moneys of Corporation not hereafter to be paid to Receiver General. Provided always, that the said Royal Institution for the advancement of Learning shall, on or before the first day of February, in every year, furnish to the Governor of this Province, a detailed statement and account, affirmed by the Treasurer before a Magistrate or Commissioner authorized to receive affidavits, of the receipt and expenditure of such moneys during the year immediately preceding. Proviso : annual accounts to be furnished to the Governor.

VIII. And be it enacted, That all such parts and provisions of the said two Acts, intituled, respectively, *An Act for the establishment of Free Schools and the advancement of Learning in this Province*, and *An Act to enable the Corporation of the Royal Institution for the advancement of Learning, to dispose of certain portions of land for the better support of the University of McGill College*, as are repugnant to or in any manner inconsistent with the provisions of this Act, are hereby repealed ; Provisions of the said two Acts inconsistent with this Act, repealed. Provided always, that nothing herein contained shall impair or affect any rights heretofore acquired under and by virtue of the said Acts, or either of them, or any remedies or proceedings for the enforcement of or in relation to such rights ; but all such rights, remedies and proceedings shall be and remain as if this Act had not been passed. Proviso : existing rights not impaired.

IX. And be it enacted, That this Act shall be a Public Act. Public Act.

## C A P . L I X .

An Act to facilitate the winding up of the affairs of the Mutual Fire Assurance Company of the County of Montreal.

[10th November, 1852.]

**W**HEREAS the Mutual Fire Assurance Company of the County of Montreal, established under the authority of an Act of the Legislature of the late Province of Lower Canada, passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled, *An Act to authorize the establishment of Mutual Fire Insurance Companies*, and recognized Preamble. Act of L. C. 4 W. 4, c. 33. under

under the name aforesaid, by an Act passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to amend an Act of the Legislature of Lower Canada relative to the establishment of Mutual Fire Insurance Companies*, have by their petition represented that the losses by them sustained in consequence of the destruction by fire in the course of the present year, (one thousand eight hundred and fifty-two,) of a large amount of property by them assured in the City of Montreal, greatly exceed the capital which is at present or could be at any future period at the disposal of the said Company, or deposited in their hands under the authority of the various laws relative to their establishment and existence ; that being thus able to meet these losses in part only, in consequence of the insufficiency of the said funds, the interest and security of all the parties concerned require that the dissolution of the said Company, and the winding up of their affairs should be effected as speedily as possible, and in order to attain that end in the manner least prejudicial to the interests of the parties concerned, it is necessary for the said Company that more ample Legislative provisions should be made, those, at present in force, in so far as regards the said Company, being in this respect defective : Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the date of the passing of this Act, it shall not be lawful for the said Company to assure property belonging to any party whomsoever ; but all property which, up to that period, shall have been assured in the office of the said Company shall, notwithstanding the foregoing enactment, continue to be so assured, to all intents and purposes whatsoever as if this Act had never been passed, and so continue during the entire period stipulated in the policy of Assurance thereof, or until the dissolution of the said Company shall have been pronounced in the manner hereinafter provided, or until the member of the said Company to whom the said policy relates shall have legally ceased to be a member of the said Company, or shall have legally retired from the said Company by the cancelling of the said policy, in conformity with the provisions of an Act of the said Legislature of the heretofore Province of Lower Canada, passed in the sixth year of the Reign of His late Majesty William the Fourth, and intituled, *An Act to continue for a limited time and to amend a certain Act therein mentioned, relative to the establishment of Mutual Fire Insurance Companies*.

Company not to insure any property after the passing of this Act.

Present policies to remain in force.

Act of L. C. 6 W. 4, c. 33.

No new election of Direc-

II. And be it enacted, That the annual election of Directors of the said Company shall not hereafter be held on the first Monday



Monday in October, but that the persons who shall at the time of the passing of this Act compose the Board of Directors of the said Company shall, throughout the entire future duration of the said Company, continue to be the Directors for all purposes whatsoever, as also any person who, in case of a vacancy occurring in the said office, shall hereafter be appointed a Director of the said Company, in the cases provided for by the sixth Section of the Act first hereinbefore cited, which said Directors so continuing in office shall have the same rights and powers, as they would have had, if they had as heretofore been elected at an annual meeting of the members of the said Company.

tors to be made; those now in office to continue.

III. And whereas it is for the interest of all parties concerned, that the winding up of the affairs of the said Company be rendered as advantageous as possible, and in order thereto, it is expedient to authorize the Directors of the said Company, in certain cases, to grant to parties indebted to the said Company a reasonable delay, in order thereby to facilitate their means of paying to the said Company the amount due upon all their premium notes deposited in the office of the said Company, and which are now due and payable, and also the sum of ten shillings, currency, on every hundred pounds of the amount assured in the office of the said Company; Be it enacted, and it is hereby enacted, That the said Directors shall have discretionary power to grant to any party indebted to the said Company, in order to the payment of his debt, when they shall consider it in the interest of the Company so to do, such delay (not exceeding in any case the period of twelve months to be computed from the fourth day of October, one thousand eight hundred and fifty-two,) as it shall appear to them reasonable to allow, subject to the condition if required by the said Directors, that the said debt shall be paid by instalments, and that in such case, in default of payment at the stated period of any of the said instalments, the total amount of the said debt, or so much thereof as shall remain due at any of the said periods shall become due and payable as if such delay had never been allowed; and the said Directors in granting such delay as aforesaid, shall have the right to stipulate with the said debtor, that he shall be bound to pay interest at the rate of six per cent. upon the amount of his debt to the said Company, to be computed from the date of such stipulation.

Recital.

Directors may grant delay to persons indebted to the Company.

May stipulate for interest.

IV. And be it enacted, That notwithstanding any of the provisions contained in the preceding Section of this Act, or in any other Act or law whatsoever, the rights of the said Company against all its debtors and endorsers or the sureties of the latter and more especially against all its said debtors to whom delay shall have been granted as hereinbefore allowed, and against all the endorsers or sureties of such debtors, as also the privileges and hypothecs of the said Company upon the property of every such debtor, and upon the property of each

Rights of the Company against its debtors and their sureties not to be impaired by such delay.

each one of the said sureties and endorsers by virtue of existing laws, and especially by virtue of the provisions of the ninth Section of the said hereinbefore cited Act, passed in the fourth year of the Reign of his late Majesty King William the Fourth, as modified by the provisions of the seventh Section of the said hereinabove cited Act passed in the sixth year of the same reign, for the guarantee of the payment of any debt whatsoever of all and every such debtor to the said Company, due either both before or after the passing of this Act, shall for all purposes whatsoever, be maintained and remain in full force, both as regards every such debtor and each one of his sureties and endorsers, and also as regards every other party whatsoever, in the same manner as if the said rights, privileges and hypothecs had been specially granted by this Act.

Such delay not to be reckoned for the purpose of prescription of any debt.

V. And be it enacted, That no one of the said endorsers or sureties of any debtor mentioned in the preceding Sections, shall be entitled or shall have the right by reason of the delay granted to the said debtor by the Directors of the said Company, under the authority of the third Section of this Act, to plead either prescription, or that the said debtor has become insolvent during the period of the said delay, against the said Company or their assigns, for the purpose of invalidating his endorsement or security in favor of such debtor.

Petition to S. Court for closing the business of Company.

VI. And be it enacted, That when, in the opinion of the Directors of the said Company, the time for so doing shall have arrived, they shall present a petition to the Superior Court, sitting in the District of Montreal (the said petition being accompanied by a report or exact statement of the affairs of the said Company), representing, that in the opinion of the Petitioners, there is no further reason for carrying on the administration of the affairs of the said Company; that the time has arrived, when for the interest of all parties concerned, the said Company should be dissolved, and if necessary, that the discharge of the said Directors of the said Company, and also, in the discretion of the Court, that of any other party whatsoever, should be definitively pronounced.

Court to order notice to be given to creditors, &c.

VII. And be it enacted, That on the presentation of the petition mentioned in the preceding Section, the said Court shall order, on the application of the Petitioners, a call to be made of the creditors of the said Company, and of all other parties interested in the affairs thereof, by an order made upon the said petition by the said Court, and inserted under the signature of the Prothonotary thereof at least four times in the course of two months in two newspapers published in the said City of Montreal, one in the French language and the other in the English language, requiring the creditors of the said Company, or any other party interested in the affairs of the said Company, to file in the office of the said Court, in the said City of Montreal, on or before the day which shall be fixed for that purpose



in the said order, any claim they may have to make against the said Company or against their estate either moveable or immoveable ; and upon the proceedings founded upon the said petition, the said Court shall proceed to hear and decide upon the respective rights and claims of the parties, as in any other case of a like nature brought before it, according to the ordinary course of law and practice ; and when, in the opinion of the said Court, it shall be necessary so to do, it shall render its judgment, pronouncing the dissolution of the said Company according to the provisions of and with the effect provided by this Act.

Court to hear parties and give judgment pronouncing dissolution of Company.

VIII. And be it enacted, That upon the rendering of the said account, the said Court shall be empowered at any time to order, if it shall think proper so to do, that the balance thereof be deposited by the said Directors or by the Secretary Treasurer of the said Company, in the office of the said Court, in order to its being thereafter disposed of in favor of the parties entitled thereto, the amount of which balance shall be stated in the above mentioned judgment of the said Court.

Court may order deposit of any balance.

IX. And be it declared and enacted, That none of the provisions contained in the preceding Sections shall extend or be construed to extend to deprive the Directors of the said Company of the power to determine, declare and pay dividends and apportionments out of the funds at their disposal, as heretofore, which dividends or apportionments, it shall be their duty to determine, declare and pay, as frequently as possible, as fast as the said funds will permit, and in the manner and form which they shall consider most expedient, in order to facilitate the settlement of the affairs of the said Company and to satisfy the claims existing against it.

Directors may declare and pay dividends and apportionments.

X. And be it enacted, That the notice given by the said Company and published by it under the signature of the President and Secretary thereof, and bearing date the sixteenth day of October, one thousand eight hundred and fifty-two, in two newspapers published in the City of Montreal, and intituled respectively *La Minerve* and the *Montreal Herald*, shall, for all purposes, whatsoever, be deemed to be the public notice required in like cases by the eighth Section of the said Act hereinbefore cited, passed in the sixth year of the reign of His Majesty King William the Fourth, and shall be sufficient to produce the effect contemplated by the said eighth Section of the Act hereinbefore last mentioned, although in fact the said notice may not have been published in the manner prescribed by the said eighth Section, that the said notice shall be evidence of its contents, and that all payments, dividends, apportionments and sums of money therein mentioned have been duly established, ordained and determined by the Directors of the said Company, and that the recovery thereof may be prosecuted after the lapse of thirty days from the said first publication

A certain notice given by the Company declared sufficient.

Proviso. publication of the said notice in the two newspapers aforesaid ; Provided always, that any number or copy of one or other of the said two newspapers, in which the said notice shall have been so published, shall be authentic proof of the said publication.

Service of summons, &c. on the Company. XI. And be it enacted, That any summons or service having reference to the said Company in any manner whatsoever, made at the office of the said Company, speaking to any competent person therein, or personally to the President or Secretary Treasurer of the said Company, shall be held to be a valid service for all purposes whatsoever.

Public Act. XII. And be it enacted, That this Act shall be a Public Act for all purposes whatsoever.

## C A P . L X .

### An Act to amend the Act incorporating Bishop's College.

[10th November, 1852.]

Preamble.

**W**HEREAS it is expedient to amend the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to incorporate Bishop's College in the Diocese of Quebec*, to confer upon the Bishop of Montreal co-ordinate powers with the Bishop of Quebec, in the Corporation of Bishop's College : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Bishop of Montreal, as well as any other Bishop or Bishops, who may be appointed for any Diocese of the United Church of England and Ireland, which may hereafter be constituted in Lower Canada, together with the Bishop of Quebec, shall hereafter constitute the first branch of the Corporation of Bishop's College ; and the said Bishops shall have and possess equal and co-ordinate powers in the appointment of the Trustees and of the College Council, and shall have and exercise jointly, all and every the powers and privileges heretofore possessed, exercised and enjoyed by the Bishop of Quebec, in the management of the affairs of the said Corporation ; Provided that in case of a difference of opinion between the said Bishops, in the event of their being equally divided, in the exercise of any of the powers hereby conferred upon them, the opinion of the Bishop who is senior by priority of appointment shall prevail, and his decision shall be final.

Bishop of Montreal and other Bishops of the Church of England in Lower Canada to have equal powers with the Bishop of Quebec.

Proviso.



## C A P . L X I .

An Act to ascertain and establish the rights of the Co-proprietors of the Common of St. Antoine de la Baie.

[10th November, 1852.]

**W**HEREAS by an Act of the Legislature of the Province of Lower Canada, passed in the second year of the Preamble.

Reign of His Majesty George the Fourth, intituled, *An Act to enable the inhabitants of the Seigniorie of La Baie St. Antoine, commonly called La Baie du Febvre, to provide for the better regulation of Common in the said Seigneurie*, a Corporation was established to manage the affairs of the said Common ; And whereas the now existing Corporation of the said Common have petitioned that means may be adopted to establish and ascertain in a definite and final manner what persons are entitled to the said Common ; And whereas it is expedient that their petition should be granted, and necessary to the Co-proprietors of rights in the said Common that their said rights should be accurately ascertained : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the said Corporation, or for five of the Co-proprietors of rights in the said Common, after the passing of this Act, to call a meeting of the Co-proprietors of rights in the said Common, and to cause public notice to be given at the door of the Parish Church of La Baie St. Antoine, after Divine Service in the forenoon, calling on the said Co-proprietors of the said Common, to attend a meeting within not less than eight days, nor more than fifteen days after the date of such notice, at such place as shall be therein appointed, to elect a suitable person to be a Commissioner for the purposes of this Act, which person shall have no right or title in the said Common, and shall be an inhabitant of the said Parish of La Baie ; and at the said meeting, the Chairman of the said Corporation, or failing him, one of the Trustees thereof, shall preside, and shall prepare a *Procès-Verbal* or report thereof, signed by himself and by two witnesses present at the said meeting, which *Procès-Verbal* shall be deposited in the office of the Clerk of the Circuit Court in the Town of Three-Rivers.

Meeting of proprietors to appoint commissioners.

II. And be it enacted, That at the time and place so appointed in the said notice, it shall be lawful for the Co-proprietors of the said Common there assembled, and for the majority thereof, to proceed to elect such Commissioner, by vote, and it shall Commissioner to be selected by vote.

shall be the duty of the person presiding at the said meeting, to notify the said person so elected to be Commissioner, of his election as herein provided.

In case of non-acceptance of office by person elected.

III. And be it enacted, That if the person so elected as Commissioner shall not accept the said office, which he shall be understood to accept if he do not within eight days after he shall have been notified of his election, make known his refusal to accept the same to the Chairman of the said meeting, or having accepted, if he shall afterwards resign it, or shall absent himself from within the bounds of the said Parish as his dwelling place, or shall die, it shall be lawful for the said Co-proprietors of the said Common to proceed to appoint another Commissioner in manner hereinbefore directed.

Who shall vote at such meeting.

IV. And be it enacted, That any person, having a *primâ facie* title, at the time of the passing of this Act, conferring on him a right in the said Common, shall be qualified and entitled to attend and vote at the said meeting for the election of a Commissioner as aforesaid.

Duties of commissioner.

V. And be it enacted, That it shall be the duty of the said Commissioner to give public notice within one month after his election, by a notice posted up at the Church door of the Parish of La Baie, during at least two consecutive weeks, and given verbally on two consecutive Sundays, immediately after Divine Service in the forenoon, at the Church door of the said Parish, of the place where, and the days when his office will be opened, and to require all and every the said Co-proprietors to exhibit at his office, within two months after the date of his said notice, all deeds of concession, judgments or other titles whatsoever, establishing their respective rights in the said Common, together with a plain statement of their claims, and a list of the documents filed and produced by them, in order that their rights may be definitively established in manner hereinafter to be provided.

Judge to adjudicate on claims concerning rights in said common.

VI. And be it enacted, That it shall be the duty of the said Commissioner, immediately after the expiration of the time fixed for the deposit of the titles herein ordered to be made with him, as provided in the next preceding Section, to transmit them, together with their claims and titles to the Judge of the Circuit Court in the District of Three-Rivers, either at the office, of the said Court at Three-Rivers or during any term of the Circuit Court while holding its sittings in the County of Yamaska, and the said Judge is hereby authorized and required to examine the same, and adjudicate thereon after having heard parties touching all disputed matters or any opposition which may be made to any claim or claims concerning rights in the said Common, in the term of the said Circuit Court during its sittings either in the County of Yamaska, or in the Town of Three-Rivers, declaring the validity or nullity of the said



said titles respectively ; and an entry shall be made of the same in the records of the said Court, and the same shall be final and without appeal.

VII. And be it enacted, That it shall be the duty of the said Commissioner, during his examination of the claims and titles of the said Co-proprietors of the said Common, to make a list thereof, in the order in which the said titles shall have been presented before him, numbering them according to the order of their presentation.

Commissioner to make list of co-proprietors.

VIII. And be it enacted, That when the Judge shall have given judgment as aforesaid, it shall be the duty of the said Commissioner to take from the office of the said Circuit Court, the titles by him referred and submitted to the Judge thereof, together with a certified copy of the award made by the Judge thereof, and that it shall also be his duty to publish the said award, by causing it to be read on two consecutive Sundays at the door of the said Parish Church, after Divine Service in the forenoon ; and the said Commissioner shall moreover be bound, when so required, to restore to every person or all persons who shall have filed them, or to any person duly authorized to receive the same, the claims or titles filed in his office, according to the provisions of this Act, taking an acknowledgment of the re-delivery of such titles.

Award of judge to be published at church door.

IX. And be it enacted, That the Commissioner so appointed shall lay before the said Judge a detailed account of all costs, charges and expenses, as well as of salary, to which he shall be entitled, as a just remuneration for his trouble and outlay, which account shall be taxed by the said Judge.

Costs of commissioner.

X. And be it enacted, That the said Commissioner shall be entitled to demand from each Co-proprietor of the said Common his proportionate share of the amount at which his claim for compensation shall have been taxed by the said Judge, and shall have his right of action by process of law for the recovery of the same.

How costs paid.

XI. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any Body Politic or Corporate, or of any person or persons, such only excepted as are herein mentioned.

Her Majesty's rights not affected.

XII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded,

Public Act,

## CAP. LXII.

An Act to incorporate *The Quebec Temperance Hall Association.*

[10th November, 1852.]

Preamble.

WHEREAS Angus McDonald, William Bignell, Robert Symes, Richard J. Shaw, John Morphy, Philip LeSueur, Frederick LeSueur, James Brent, Thomas Bickell, Charles Brodie, Thomas White, Junior, James Millar, George Mathison, Benjamin Cole, Junior, John H. Craig, John Kemp, George Booth, Daniel Bews, Alexander Farquhar, James Reid and others, of the City of Quebec, members of *The Quebec Temperance Hall Association*, have, by their Petition to the Legislature, represented that they have in contemplation the erection and maintaining of a Building within the said City, to be called "The Quebec Temperance Hall," for the promotion and advocacy of the principles of temperance, and for the accommodation of public meetings convened for useful and moral purposes, and that it would greatly tend to the advancement of the useful and philanthropic objects of the said Association if corporate powers were conferred upon them, and have prayed for an Act of Incorporation : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Angus McDonald, William Bignell, Robert Symes, John Morphy, Philip LeSueur, Frederick LeSueur, Richard J. Shaw, Charles Brodie, James Brent, Thomas Bickell, Thomas White, Junior, James Millar, George Mathison, Benjamin Cole, Junior, John Kemp, George Booth, John H. Craig, Daniel Bews, Alexander Farquhar and James Reid, together with all such other persons as are now, and shall hereafter become members of the said Association, shall be and are hereby declared a body politic and corporate, under the name of "*The Quebec Temperance Hall Association*," and shall be entitled to acquire, hold, possess, take, receive and dispose of for the purposes of the said Corporation, any lands, tenements or hereditaments and real or immoveable property lying within the said City of Quebec, not exceeding in value the sum of fifteen thousand pounds currency.

Certain persons incorporated.

Capital Stock.

II. And be it enacted, That the Capital Stock of the said Association shall be and consist of the said sum of fifteen thousand pounds currency, or such part thereof as shall be deemed necessary to be raised by the said Association, and the same shall be divided and distinguished into three thousand equal



equal parts or shares, at a price not exceeding five pounds currency per share, and shall be deemed personal estate, and be transferable as such; and that the said three thousand shares shall be and are hereby vested in the members of the said Association, and their several and respective heirs, executors, curators, administrators and assigns, to their proper use and behoof, proportionably to the sum they and each of them shall severally subscribe and pay thereunto; and all and every persons, and their several and respective successors, executors, curators, administrators and assigns who shall respectively subscribe and pay the sum of five pounds currency, or more, towards carrying on and completing the said "Quebec Temperance Hall," shall be members of the said Association, and as such entitled to and receive, after the said building is completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered and received by the authority of this Act, in proportion to the number of shares so held; and every person or persons having such property of one or more shares in the said undertaking, and in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in the manner by this Act directed and appointed.

III. And be it enacted, That upon every or any subject, proposition or question which shall arise, be discussed, or be put, relating to the affairs of the said Corporation, at any meeting of the members thereof to be held in pursuance of this Act, each member present thereat shall be entitled to one vote for every one or two shares he shall hold or possess in the said undertaking, the holders of four shares shall be entitled to two votes, and so in proportion; Proviso. Provided however, that no member shall at any time be entitled to more than ten votes, although he may be a holder of more than twenty shares; and whatsoever question, election of officers or other matter or thing shall be proposed, discussed or considered at any such meeting, shall be finally determined by the majority of votes then present, and the Chairman at every such meeting, in case of a division of equal numbers, shall have the casting vote, although he may have voted before. Proportion of votes to Shares.

IV. And be it enacted, That the said Corporation may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any one time the sum of seven thousand pounds currency, as they may find expedient, and as they may think proper, and may give their bonds, obligations or other securities for the sums so borrowed, and may hypothecate or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and interest thereon. Corporation may borrow £7000.

Extent of liability of Shareholders.

V. And be it enacted, That no Shareholder in the said Corporation shall be in any manner whatsoever liable for, or charged with, the payment of any debt or demand due by the said Corporation, beyond the extent of his share in the capital of the said Corporation not paid up.

Books of subscription to be opened.

VI. And be it enacted, That the subscribers above named, or any three of them, shall, so soon after the passing of this Act, as may be convenient, open a Book or Books of Subscription, and when one hundred shares shall have been subscribed in such Book or Books, they shall call a meeting of such Subscribers, at such time and place in the said City of Quebec, as they shall deem fit, by public notice to be published at least eight days before such meeting, in an English and in a French Newspaper, published in the said City; and a like general meeting, to be called by the Secretary of the said Corporation, after due notice as aforesaid, shall be held on the second Tuesday in January, in every year afterwards, at the hour of seven o'clock in the afternoon, or any subsequent day thereafter, which shall be duly indicated in such notice.

Election of Directors.

VII. And be it enacted, That at the first General Meeting of the Subscribers hereinbefore directed to be held, the majority of the Proprietors then assembled together, shall choose seven persons for the time being respectively Proprietors of at least two shares in such undertaking, of whom four shall be a quorum, to be Directors for managing, governing and carrying on the affairs of the said Association, and the said Directors elected at such first General Meeting, shall remain in office until the General Meeting which shall take place in the month of January, one thousand eight hundred and fifty-four; Provided always, that all Directors elected at any other Annual General Meeting shall remain in office one year only, unless re-elected; and at the first of the Meetings of the Directors, which shall take place in each year as soon as possible after their election, they shall, if a quorum be present, choose a President and Vice-President from among their number, who shall preside at any Meeting of the Directors, and be entitled to a casting vote, in case of an equal division of members, although they may have respectively voted before; and the Directors shall also choose annually from among the Stockholders of the said Association, a Treasurer and a Secretary, who shall be permanent, or be appointed for one year only, as the majority of any quorum of the said Directors may see fit to determine; and the said Directors are hereby authorized to take such security from the said Treasurer and Secretary for the due execution of their respective offices as the said Directors shall think proper; Provided always, that any two thirds of the Proprietors assembled at any General Meeting, may remove such Secretary or Treasurer, and in such case the Directors shall appoint another in his stead.

Proviso.

Proviso.



VIII. And be it enacted, That it shall be lawful for a majority of the Directors, or any ten Proprietors having together not less than thirty votes, to call a Special General Meeting of the Subscribers at any time, by public notice in an English and in a French newspaper, published in the said City, such notice to be given at least eight days before the day fixed for such Special Meeting. Special General Meetings.

IX. And be it enacted, That the said Directors for the time being shall have and be invested with full power and authority to manage, order, oversee and transact all and singular the affairs and business of the said "Quebec Temperance Hall Association," and all matters and things whatsoever relating to or concerning the same ; and the said Directors for the time being shall, on the second Tuesday of January in every year, at the meeting of the Members of the said "Quebec Temperance Hall Association," produce and give a full, just and true account in writing of all their transactions, receipts and payments respectively, so that the true state of the said "Quebec Temperance Hall Association" and its affairs may manifestly appear ; and shall also make and declare a dividend of the clear profit and income, all contingent costs and charges being first deducted, among all the Proprietors aforesaid. Duties of Directors.

X. And be it enacted, That when the term of office of the Directors elected at the first General Meeting of Proprietors held after the passing of this Act, shall expire, that is to say, in the month of January, one thousand eight hundred and fifty-four, seven Directors shall be chosen at the general meeting of proprietors to be holden in the said month and year, and the same number in the same month in every year thereafter ; Provided always, that any Director may be re-elected ; and the said Directors shall meet as often and at such place in the City of Quebec, to be by them appointed, as occasion may require ; Provided always, that no Director shall have more than one vote at any meeting of Directors, except the President or Vice-President as aforesaid, or in their absence, the Chairman who shall be chosen by the said Directors, and in case of an equal division, shall also have a casting vote, although he may have given one vote before : and if any Director shall die or be permanently removed to another District before his term of office shall have expired, the proprietor who shall have had at the last election the next greater number of votes after the seven Directors, shall fill his place ; Provided also, that the said Directors shall from time to time, make reports of their proceedings, and be subject to the examination and control of the said general meetings of the proprietors, and shall pay due obedience to all such orders and directions in and about the premises, as shall from time to time be made by the said proprietors at any general meeting, such orders and directions not being contrary to the provisions of this Act, the By-laws of the Association, or the Laws of this Province. Future elections of Directors.  
Proviso.  
Proviso.  
Proviso.

Shares payable in monthly instalments.  
Proviso.

XI. And be it enacted, That the proprietors of the said undertaking shall pay the amount of their respective shares in such monthly instalments as the Directors shall see fit to determine, to the Treasurer of the said Association; Provided always, that no monthly instalment shall exceed ten shillings, or be less than two shillings and six pence per share; and any proprietor neglecting to pay any such instalment shall forfeit and pay the sum of one shilling and three pence per share for every month during which he shall have neglected to pay such instalment, and any proprietor being in arrear of twelve instalments shall forfeit his share or shares in the undertaking, and all moneys which he shall have forfeited shall go to the profit and form part of the revenues of the said Association, and the Directors may, if they deem it expedient, dispose of the shares so forfeited, in such manner as shall be most to the advantage of the said Association.

Subscribers to pay instalments when called in.

XII. And be it enacted, That all subscribers of shares or Stockholders in the said undertaking, shall be held and bound, and they are hereby required to pay the sums of money subscribed for by them as the same shall be called for under the provisions of the next preceding section; and in case any person or persons neglect or refuse to pay the same at the times appointed by the said Directors, and in the manner provided for under the provisions of the said last preceding section, it shall and may be lawful for the said Corporation to sue for and recover the same, together with the forfeiture incurred by such default, neglect or refusal, and interest upon the amount due and costs, in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is the proprietor of a share or any number of shares (stating such number) in the stock of the said Association; that certain sums of money were duly called for, either as monthly instalments payable on each such share or being sums forfeited for non-payment of any such instalment, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, wherefore an action had accrued to the said Association to recover such sum or sums with interest and costs; and neither in such action or in any other action, suit or legal proceeding by the said Directors in their said capacity, shall the election of the said Directors or the authority of them, or of any Attorney or other party acting in the name of the said Association, be called in question unless by the said Association, nor shall it in any case be necessary to name the Directors or any of them.

By-laws, Rules, Orders, &c.

XIII. And be it enacted, That the said Directors, or a quorum thereof, as aforesaid, being assembled at such places and times as aforesaid, shall have full power and authority to make, ordain and constitute such and so many By-laws, Rules and Orders, not repugnant to the Statutes, Customs or Laws of the Province, or the express



express regulations of this Act, as by the said Directors shall be judged expedient and necessary for the direction, conduct and government of the said Association, and of the property, real and personal, moveable and immoveable by them held, and as in their opinion will most effectually promote the purposes of this Act ; and by such By-laws, Rules and Orders they may impose and inflict such fines and forfeitures, not exceeding Five Pounds currency, as to them shall seem meet, upon any person being a Member of the said Corporation who shall be guilty of a breach of such By-laws, Rules or Orders ; Provided always, that this last mentioned provision shall not interfere with the forfeiture of one shilling and three pence mentioned in the eleventh Section of this Act ; Provided also, that no By-law shall be in force until it shall have been sanctioned by a vote of at least two thirds of the proprietors present at a general meeting called together by the Directors for the purpose of taking such By-law into consideration, nor shall any amendment, repeal or alteration of any By-law, be valid unless agreed to by two thirds of the said proprietors present as aforesaid, and all By-laws or amendments thereof shall be published, after being sanctioned, in one English and in one French newspaper published in the said City.

XIV. And be it enacted, That no Individual or Company of Individuals shall hold more than one hundred Shares in the said Association.

XV. And be it enacted, That it shall and may be lawful for each and every of the Members, for the time being, of the said Corporation, his and her Executors, Administrators and Assigns, to give, sell, alien, assign, devise or dispose of his, her or their respective Share or Shares and interest, to any person or persons, being subjects of Her Majesty ; and the said person or persons and their respective assigns shall be Members of the said Corporation, and shall be entitled to all and every the same rights and privileges, and to the profits and advantages therefrom arising, and in the said Corporation, as the Members in this Act named are entitled to by virtue of this Act ; Provided always, that a part of a Share or Shares shall not entitle the Proprietor or Owner thereof to any privilege whatsoever.

XVI. And be it enacted, That any purchaser or purchasers, shall for his, her or their security, as well as that of the said Corporation, have a duplicate or duplicates of the Deed or Act of transfer made unto him, her or them, and executed by both parties, one whereof so executed shall be delivered to the said Directors or to the Secretary for the time being, to be filed and kept of record for the use of the said Corporation, and upon the filing thereof an entry thereof shall be forthwith made in the Book or Books to be kept by the Secretary for that purpose, for which no more than Two Shillings and Six Pence currency shall be paid, and until such duplicate of such Deed or Act of Transfer shall be so delivered unto the said Directors or Secretary of the said Corporation, and filed and entered as above directed, such purchaser or purchasers shall not

not be held to be a proprietor or proprietors of such Share or Shares, and shall have no part of the profit of the said undertaking, paid unto him, her or them, nor any vote as Members of the said Corporation.

Return to Legislature.

XVII. And be it enacted, That the said Corporation shall make a full and particular return in each year to the three Branches of the Legislature, of the real estate and other property held by the said Corporation, the amount of debt incurred by them, and the rate and amount of the last dividend, together with a list of the Shareholders in the said Corporation, and the names of the Directors.

Public Act.

XVIII. And be it enacted, That this Act shall be a Public Act.

## C A P. L X I I I.

An Act to amend an Act intituled, *An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the 'Quebec Benevolent Society,' under certain Restrictions, Rules and Regulations therein mentioned.*

[10th November, 1852.]

Preamble.

WHEREAS the President, Vice-President, Secretary and Treasurer of the Benevolent Society of Quebec, pray for certain amendments to the Act of Incorporation of the said Society, and it is expedient, for the general advantage thereof to make the same : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That that part of the fourth Section of the said Act, by which it is enacted, that "such Treasurer or Treasurers, Trustee or Trustees, and all "and every other officer and officers, or other persons whatever, who shall be appointed to any office in any wise touching or concerning the receipt, management or expenditure "of any sum or sums of money collected for the purpose of "the said Society, shall execute the duties of such office "without any fee, reward or compensation whatever," be and it is hereby repealed, and all and every the said words be and they are hereby struck out of the said Section ; and that it is and may be lawful for the said Society to allow to the said Treasurer or Treasurers, Trustee or Trustees, and to any other officer or officers, or other persons whatsoever, who are or shall be appointed to any office in any wise touching or concerning the

Part of s. 4 of the said Act repealed.

Treasurer, &c. may be paid.



the receipt, management or expenditure of any sum or sums of money collected for the purpose of the said Society, all such fees, reward or compensation as they shall think fit.

II. And be it enacted, That the said Benevolent Society shall and may invest and dispose of all such sum or sums of money as shall have been collected or paid for the purposes, expenses and objects of the said Society, the immediate expenditure or application of which is not required, in the purchase of Provincial Debentures, or of the Bonds of any corporate bodies in this Province, as the said Society shall think fit, the restrictions imposed under the sixth Section of the said Act, and the provision made under the said Act for the loaning, investment and disposal of the said money by the said Society notwithstanding: and that the said Society shall and may invest and dispose of such sums of money, being at their disposal, either in the manner appointed by the said Act, or in the purchase of Provincial Debentures, or of the Bonds of any corporate bodies in this Province, as aforesaid.

How moneys of the said Society may be invested.

III. And be it enacted, That the Interpretation Act shall apply to this Act and to the Act hereby amended.

Interpretation.

## C A P . L X I V .

An Act to amend the Act to incorporate certain persons under the name of the "*Quebec Friendly Society*."

[10th November, 1852.]

**W**HEREAS the President, Vice-President, Secretary, and Treasurer of the Friendly Society of Quebec, pray for certain amendments to the Act of Incorporation of the said Society, and it is expedient for the general advantage thereof to make the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That that part of the fourth Section of the said Act by which it is enacted that "such Treasurer or Treasurers, Trustee or Trustees, and all and every other officer or officers or other persons whatever, who shall be appointed to any office in any wise touching or concerning the receipt, management or expenditure of any sum or sums of money collected for the purposes of the said Society, shall execute the duties of such office without any fee, reward or compensation whatever," be and it is hereby repealed, and that all and every the said words be and they are hereby struck out of the said Section; and that it is and may be lawful for the

Preamble.

Part of s. 4 of Act of L. C., 57 Geo. III, c. 39, repealed.

Treasurers  
and other  
officers may  
be paid.

the said Society to allow to the said Treasurer or Treasurers, Trustee or Trustees, and to any other officer or officers or other persons whatsoever, who are or shall be appointed to any office in any wise touching or concerning the receipt, management or expenditure of any sum or sums of money collected for the purpose of the said Society, all such fees, reward or compensation as they shall think fit, and most conducive to the interest and advantage of the said Society.

How the  
funds of the  
Society not  
immediately  
required may  
be invested.

II. And be it enacted, That the said Friendly Society shall and may invest and dispose of all such sum or sums of money as have been or shall be at any time hereafter collected or paid for the purpose and objects of the said Society, the immediate expenditure or application of which is not required, in the purchase of Provincial Debentures or of the Bonds of any corporate bodies in this Province, as the said Society shall think fit and profitable, all provisions and restrictions, and the provisions made in the said Act for the loaning, investment and disposal of the money of the said Society, to the contrary notwithstanding; and that the said Society shall and may loan, invest and dispose of such sums of money, being at their disposal, either in the manner provided by the said Act, or in the purchase of Provincial Debentures or of the Bonds of any corporate bodies in this Province, as they shall deem most expedient and advantageous.

Interpreta-  
tion.

III. And be it enacted, That the Interpretation Act shall apply to this Act and to the Act hereby amended.

## C A P. L X V.

An Act to authorize François Daigle and Alexis Dufresne to demand Tolls upon a Bridge which they have constructed on the Northern Branch of the River Yamaska.

[10th November, 1852.]

Preamble.

WHEREAS François Daigle and Alexis Dufresne, of the Parish of St. Damase, yeomen, have, at their own cost and charges, erected and constructed a bridge over the Northern branch of the Yamaska River, in the Parish of St. Damase, in the County of St. Hyacinthe, opposite the by-road leading direct from the river to the Church of the said Parish; And whereas they have prayed by their petition, to be authorized to levy Tolls on the said bridge: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby



hereby enacted by the authority of the same, That it shall be lawful for the said François Daigle and Alexis Dufresne, and they are hereby authorized to erect and build a toll-house on or near the said bridge, and also to do all things necessary, useful or convenient, for maintaining and supporting the said bridge, and erecting the toll-house and other dependencies, according to the tenor of this Act.

Authority to  
F. Daigle and  
A. Dufresne  
to levy tolls  
on their  
bridge.

II. That the said François Daigle and Alexis Dufresne, their heirs and assigns, shall have power, for the purpose of maintaining and supporting the said bridge, from time to time to take and use the land on either side of the river, and there to work the materials and other things necessary for repairing the said bridge, doing as little damage as possible, and making a reasonable compensation to the proprietors and occupants of lands so altered, damaged, or made use of, for the value of such land, or damages caused by the works necessary for constructing and maintaining the bridge, or the toll-house or other dependencies.

Power to take  
land.

III. That in case of any difference of opinion or dispute concerning the amount of such compensation, the sum to be paid shall be settled and determined by two arbitrators, one of whom shall be chosen by each party ; which arbitrators, before proceeding to hear the parties, shall appoint a third arbitrator who shall neither be a party interested nor a relative of the parties in the degree by law prohibited in civil matters, and shall be authorized, after summoning the parties two days before their meeting for arbitration, to hear the parties and their witnesses and other evidence, and shall, after so hearing the parties, render their award, which shall be drawn up before notaries ; and the award shall be communicated without delay by the said François Daigle and Alexis Dufresne, or their representatives, to the party interested, with the offer of the sum adjudged by the majority of the arbitrators ; Provided always, that the said François Daigle and Alexis Dufresne shall not proceed to the construction of the said toll-house and other works, by which any individual may be deprived of his land or may suffer damage, until the price or value of the lands and damages estimated shall have been paid to such person, or offered to him.

Compensation  
to be settled  
by arbitrators.

Provido.

IV. That the property of the said bridge, toll-house, and other dependencies, which are or may be erected thereon, or near thereto, and also of the ascents and approaches to the said bridge, shall be vested in the said François Daigle and Alexis Dufresne, their heirs and assigns for ever, provided that after the expiration of fifty years from the passing of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said bridge and dependencies, and the ascents and approaches thereto, upon paying to the said François Daigle and Alexis Dufresne, or their

Property vest-  
ed in F. Dai-  
gle and A.  
Dufresne.

Her Majesty  
may assume  
possession.

their representatives, the value which the said bridge and dependencies, at the time of such assumption, shall bear and be worth.

V. And whereas it is alleged that the said bridge is now built in a proper manner ; Be it enacted, That so soon as it shall be certified by two Justices of the Peace for the District of Montreal, that the said bridge is built in a proper manner, and that the opening and draw-bridge necessary for the passage of vessels and boats, are of the dimensions required, and that the necessary conditions have been fulfilled after examination thereof by three experts, to be appointed and sworn by the said Justices of the Peace, and such certificate shall have been published in one of the newspapers of the District of Montreal, it shall be lawful for the said François Daigle and Alexis Dufresne, their heirs and assigns, to demand, receive, recover, and take to and for their own use and profit, for pontage, in the name of a toll or duty, before the passage over the said bridge shall be permitted, the following sums :

Rate of Tolls.

	D
For a vehicle drawn by one horse.....	2
For a vehicle drawn by two horses.....	4
For each person on horseback.....	1½
For each ox and head of cattle.....	1
For each sheep.....	½
For each person on foot.....	½

Tolls may be diminished.

VI. That it shall be lawful for the said François Daigle and Alexis Dufresne, and their assigns, to diminish the aforesaid tolls, and they shall affix, in some conspicuous place, near the toll-gate, a table, in the English and French languages, of the rates payable for passing over the said bridge.

Table of Tolls.

Exemption of mail carriers, &c., from toll.

VII. Provided always, that no person, horse or carriage, employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses nor carriages, laden or unladen, and drivers, attending officers and soldiers of Her Majesty's Forces, or of the Militia, whilst upon their march, or on duty, nor the said officers or soldiers, nor any of them, nor carriages and drivers or guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever.

Tolls vested in F. Daigle and A. Dufresne.

Proviso.

VIII. That the said tolls shall be, and the same are hereby vested in the said François Daigle and Alexis Dufresne, their heirs and assigns, for ever : Provided, that if Her Majesty shall assume the possession of the said bridge, in the manner aforesaid, after the expiration of fifty years, then the said tolls shall belong to Her Majesty, Her Heirs and Successors, who shall be substituted in the place and stead of the said François Daigle and Alexis Dufresne, for the purposes of this Act.

IX.



IX. That if any person shall forcibly pass over the said bridge, without paying the toll, or shall disturb the said François Daigle and Alexis Dufresne, or their representatives, in the works and repairs which they may execute on the said bridge, or on the roads and avenues leading thereto, every person so offending shall in each case, for every such offence, forfeit a sum not exceeding forty shillings, currency. Penalty for evading tolls.

X. That the said François Daigle and Alexis Dufresne, and their representatives, shall keep, give and maintain an opening and passage commodious and sufficient between the piers in the middle of the river, of at least thirty feet in width, and shall erect a draw bridge over the deepest water, of at least forty feet in width, to allow a free and uninterrupted passage at all times to steamers and other vessels. Draw-bridge and passage to be maintained.

XI. That so soon as the said bridge shall be opened for the use of the public no person shall erect, or cause to be erected, any bridge, or establish any other means of passage for the transport of any persons, cattle or vehicles, for gain or hire, across the said branch of the River Yamaska at that place, or within the distance of three quarters of a league either above or below the same, under a penalty of forty shillings, currency, for each person, animal or vehicle so taken across the said river : Provided, that nothing in this Act contained shall be construed to prevent the public from crossing any of the fords of the said river, or from crossing the said river within the aforesaid limits, in canoes, or otherwise, without gain or hire. No other bridge may be erected.  
Proviso.

XII. That if any person shall maliciously pull down, burn or destroy the said bridge, or any part thereof, every person so offending, and being thereof legally convicted, shall be deemed guilty of felony. Malicious injuries.

XIII. That the said François Daigle and Alexis Dufresne shall keep and maintain the said bridge in good order for the safe passage of travellers, cattle and vehicles ; and in case the said bridge shall at any time become impassable or unsafe, the said François Daigle and Alexis Dufresne and their representatives are hereby required, within two years from the time at which the said bridge shall be ascertained and declared to be impassable or unsafe, by the Court of General Quarter Sessions, in and for the District of Montreal, and after notice thereof shall have been given to them, or any of them by the said Court, to repair, construct, and re-build the said bridge, and make the same safe and commodious for the passage of travellers, cattle and vehicles ; and if within the said time the said bridge be not repaired, or rebuilt, as the case may be, then the said bridge, or such parts thereof as shall be remaining, shall be and be taken as the property of Her Majesty, and the said François Daigle and Alexis Dufresne and their representatives shall cease to have any right or title in or claim upon the said bridge. Bridge to be kept in repair.

Rights of the  
Crown saved.

XIV. That this Act, or any of the provisions therein contained shall not extend to weaken, or extinguish the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any person, body politic or corporate, in any of the things therein mentioned, except as to the powers hereby given to the said François Daigle and Alexis Dufresne.

Penalties how  
disposed of.

XV. That the penalties hereby imposed shall be levied upon proof before a Justice of the Peace for the District of Montreal, either by the confession of the offender, or by the oath of two credible witnesses, which oath such Justice of the Peace is hereby empowered to administer, by seizure and sale of the goods and chattels of the offender, by a warrant signed by such Justice of the Peace ; one half of which penalties shall belong to Her Majesty, and one half to the person suing for the same.

Fines, &c.,  
how disposed  
of.

XVI. That the moneys to be levied by virtue of this Act, and not hereinbefore granted to the said François Daigle and Alexis Dufresne, and the several fines hereby imposed, shall be, and the same are hereby reserved to Her Majesty, Her Heirs and successors, for the public uses of the Province, and the support of the Government thereof ; and the due application of such moneys, fines and penalties shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner as shall be directed.

How bridge  
shall be con-  
structed.

XVII. Provided always, That the said bridge shall be constructed as follows, that is to say : two hundred and forty feet in length, fifteen feet in width, with abutments eighteen feet high, and with one arch in the middle of the river, thirty-six feet in height above the level of the stream.

Public Act.

XVIII. That this Act shall be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace and other persons whomsoever, without being specially pleaded.

## C A P . L X V I .

**An Act to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water.**

[10th November, 1852.]

Preamble.

**W**HEREAS certain inhabitants of the City of Hamilton have petitioned for the passing of a law incorporating a Joint Stock Company, for the purpose of supplying the said City with Water : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of



of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John Mills, Robert J. Hamilton, Samuel B. Freeman, Calvin McQuesten, Henry J. Lawry, George M. Ryckman, Alexander Carpenter, Sir Allan Napier MacNab, Henry McKinstry, Robert Roy, Jas. Adam, Michael W. Browne, Charles A. Sadleir, Æneas Kennedy, Robert R. Smiley, Donald Stuart, John C. Munro, W. L. Distin, Hutchinson Clark, Wm. G. Kerr and Thomas Davidson, with such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, are hereby constituted and declared to be a body corporate and politic, by and under the name and style of *The Hamilton Water Works Company*; and that by that name they and their successors shall and may have continued succession, and be capable of contracting and being contracted with, and suing and being sued, and taking all other proceedings in all courts of law and equity in all manner of actions and matters whatsoever; and also of purchasing and holding for the uses of the said Company, any real or personal estate, and of letting, conveying or otherwise disposing of the same, and to have a corporate seal, and to alter the same at pleasure.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That it shall and may be lawful for the said Company, and their successors, and their agents, servants and workmen, and they are hereby authorized and empowered, to enter into and upon the lands of any person or persons, bodies politic or corporate, within ten miles of the said City of Hamilton, and to survey, set out and ascertain such parts thereof, and divert and appropriate any spring or stream of water thereon, as they shall judge suitable and proper for the purposes of the said Company, and to contract with the owners or occupiers of the said land, and those having an interest or right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said Company; and in case of any disagreement between the said Company and the owners or occupiers of such lands or persons having an interest in the said water or the natural flow thereof, or any part thereof, respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them, or otherwise, it shall and may be lawful for the owners or occupiers so disagreeing with the said Company upon the value of the said lands, rights or privileges, or the amount of such damages, to nominate and appoint one indifferent person, and for the said Company to nominate an indifferent person, who, together with one other person to be nominated by the persons so named, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the

Empowered to survey, enter upon and hold real property.

Arbitrators to be named in case of disagreement.

the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said City, to be appointed by the said Company, after eight days' notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County of Wentworth, or the said City, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties, according to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three months from date of award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume the possession of his property, and all his rights shall thereupon revive: And in the event of any party so disagreeing, omitting or refusing to appoint an arbitrator, the Judge of the County Court of the County of Wentworth may, upon application of the Company, as often as occasion may require, name an arbitrator in his stead, and the award of such arbitrator and those to be named as aforesaid, or a majority of them, shall be binding on all parties concerned, subject as aforesaid.

Proviso:  
award may be  
set aside.

Empowered  
to erect cer-  
taid works;

III. And be it further enacted by the authority aforesaid, That the lands and water which shall be so ascertained, set out or appropriated by the said Company for the purposes thereof, as aforesaid, shall thereupon, and for ever thereafter, be vested in the said Company, and their successors, but subject nevertheless to the provision hereinbefore contained for the resumption of the same, and it shall and may be lawful for the said Company and their successors to construct, erect and maintain upon the said lands, all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the waters thereto and therefrom in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and water-works, and such springs and streams, and the said City of Hamilton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the said Company and their successors and their servants are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and upon, over and through the highways and roads of the Township of Barton, in the said County of Wentworth, and through the public ways, streets, lanes or other passages of the said City of Hamilton,

To lay down  
pipes, &c.

and



and in, upon, through or under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate whatsoever, and to set out, ascertain, use and occupy such part or parts thereof, as they the said Company or their successors shall think necessary and proper for the making and maintaining of the said works, and for distributing the waters of the said Company's establishment to the different inhabitants of the said City of Hamilton, or for the uses of the Corporation of the said City, and upon such terms and prices as they can agree upon, and for this purpose to sink and lay down pipes, trunks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said Company or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid, such work to be done within the City being subject nevertheless to the By-laws and Orders of the Corporation of said City.

IV. Provided always and be it enacted, That nothing herein contained shall extend to authorize the said Company or any persons acting under their authority, to take, use, or injure or damage for the purposes of the said Water Works, any house, or other building, or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house or nursery ground for trees, nor to convey from the premises of any person, any water already appropriated, necessary for his domestic uses, without the consent in writing of the owners or proprietors thereof first had and obtained.

Proviso: Company not to injure or damage certain private property.

V. And be it enacted, That if any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Company or their managers, servants, agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the works of the said Company, or if any person shall throw or deposit any thing or noisome or offensive matter into the water of the said Company, or in any way foul the same, or commit any wilful damage or injury to the works or water of the Company, or encourage the same to be done, every person offending in any of the cases aforesaid shall, besides being subject to an action at law for the damages done thereby to the said Company, be held guilty of a misdemeanor, and upon conviction thereof before any of the Courts of Criminal Jurisdiction in the County of Wentworth, shall be punished by such Court by fine and imprisonment, or either, at the discretion of the Court, as in other misdemeanors at common law, or by summary conviction as hereinafter provided for.

Parties wilfully hindering Company in the exercise of their power, subject to penalties.

Works to be completed in five years.

VI. And be it enacted, That in case the works for supplying the said City of Hamilton with water as aforesaid, shall not be completed within five years from and after the commencement of this Act, then and from thenceforth all the powers and authorities herein contained relative thereto, shall cease and determine, save only as to so much and such parts thereof as shall have been completed within the said term of five years, and the proper use of the waters then at the disposal of the said Company, and such property as the said Company may have paid for.

Regulations for management of officers of Company.

Elections of Directors.

VII. And be it enacted, That the property, affairs and concerns of the said Company, shall be managed and conducted by three Directors, or such number as shall be required by the By-laws of the said Company, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least ten Shares, and be elected on the first Monday in January, in each and every year, at the said City of Hamilton, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers that may be published in the said City of Hamilton, at least one month previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all elections for such Directors shall be by ballot, and the persons to the number required, who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number than required shall appear to be chosen Directors, by admitting them both, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number required; and the said Directors so chosen, so soon as may be after such election, shall proceed in like manner to elect by ballot, one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors or in the Presidency, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a Stockholder or Stockholders, to be nominated by a majority of the Directors present at any Meeting called for the purpose.

Parties entitled to vote.

VIII. And be it enacted, That each Stockholder shall be entitled to a vote for each share which he, she, or they shall have held in his or her own name, at least one month prior to the time of voting.



IX. And be it enacted, That in case it should happen that an election of Directors should not be made on any day when pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to be named by a majority of Stockholders, to make an election of Directors in such manner as shall have been regulated by the By-laws and ordinances of the said Company.

Election of Directors on the day not legally appointed, to be valid.

X. And be it enacted, That the Directors for the time being, or a majority of them, shall have power to make and subscribe such Rules, Orders and By-laws as to them shall seem right and proper, touching the management and disposition of the affairs, stock, property, estate and effects of the said Company, and the preservation of the same from spoil or injury, and for the summary conviction of any person who shall trespass upon, injure or spoil any of the said Company's works, water or property, and the number of Directors, and touching the duty of the officers, clerks and servants, and all such matters and things as appertain to the business of the said Company, and from time to time to alter or repeal such By-laws, Orders and Regulations or any of them, and to make others, and to impose and inflict such reasonable fines and forfeitures, to be levied and recovered by such ways and means as hereinafter mentioned, upon and against all persons offending against the same as to the Directors for the time being or a majority of them shall seem meet, not exceeding the sum of five pounds for any offence, which said Rules, By-laws and Orders imposing any such penalty, being reduced into writing, under the common seal of the said Company, and printed and published and painted on boards, shall be hung up and affixed on the front of the Water works, and shall from time to time be renewed as often as the same shall be obliterated, defaced or destroyed (so as to render them illegible) and that such Rules, By-laws and Orders shall be binding upon and observed by all parties, and shall be sufficient in any Court of law or equity, to justify all persons who shall act under them: Provided that such Rules, By-laws and Orders be not repugnant to the laws of the Province, or to any direction in this Act contained, and that any summary conviction shall be a bar to any other prosecution for the same offence.

Directors empowered to make By-laws, &c.

Proviso.

XI. And be it enacted, That on the first Monday in January next, a meeting of the Stockholders shall be held in the said City of Hamilton, who in the same manner as hereinbefore provided, shall proceed to elect three persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the first Monday in January after their election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual election; Provided always, that if shares shall not then be taken to the amount of one thousand

Day appointed for election of Directors.

Proviso.

thousand pounds in the Capital Stock of the said Company, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days' notice thereof given in any paper or papers published in the said City.

Real estate  
limited.

XII. And be it enacted, That the whole Capital or stock of the said Company, exclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value twenty-five thousand pounds, to be held in one thousand shares of twenty-five pounds each, and that the shares of the said Capital Stock may after the first instalment shall have been paid in, be transferred by the respective persons subscribing or holding the same, to any other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

Directors may  
call in instal-  
ments.

XIII. And be it enacted, That so soon as Directors shall have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any newspaper published in the aforesaid City, for an instalment of five per cent upon each share which they or any of them may respectively subscribe, and that the residue of the sums or shares of the Stockholders shall be payable by instalments at such time and in such proportions as a majority of the Directors shall agree upon and order by such notice as aforesaid, so that no instalments shall exceed five per cent, nor become payable in less than thirty days after such public notice; Provided always, that the said Directors shall not commence the construction of any works belonging to the said Company, until the first instalment shall be paid in.

Proviso.

Stockholders  
refusing to  
pay—proceed-  
ings thereon.

XIV. And be it enacted, That if any Stockholder or Stockholders shall refuse or neglect to pay at the time required any instalment or instalments that shall be lawfully required by the Directors, upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall thereby in the discretion of the Directors, forfeit such share or shares, with any amount that shall have been previously paid thereon, if such instalment or instalments shall not be collected from him; and the said Company may in their corporate name, sue any such person who was a Shareholder at the time any call was made upon the stock, for any such call or instalment, in any court having jurisdiction upon contract to such sum, and shall have such remedy for the collection thereof, as is given by such court to persons for other demands within the jurisdiction of such court; and the said forfeited share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other moneys of the said Company; Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment due thereon, over and above the purchase money of the share or shares

Proviso as to  
purchasers of  
forfeited stock.



shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such share so purchased as aforesaid; Provided also, that thirty days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the said City, and that the instalments due may be received in redemption of any such forfeited share, at any time before the day appointed for the sale thereof. Proviso.

XV. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or a majority of them, shall seem desirable, and that once in each year an exact and particular statement shall be rendered of the then actual state of their affairs, debts, credits, profits and losses, such statement to appear on the books, and to be open to the perusal of any Stockholder at any time at his or their reasonable request. Annual dividends to be made.

XVI. And be it enacted, That all fines, penalties and forfeitures imposed by any By-law, Rule or Regulation of the said Company, shall and may be recoverable with costs, before any two Justices of the Peace having jurisdiction over the locality where the offence was committed, or fines, penalties or forfeitures incurred, upon the oath of any person or persons, or the confession of the party offending, which oath the said Justices are hereby authorized to administer, and in default of payment the same shall be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal of the said Justices or one of them, before whom such party was convicted; and the said fines and forfeitures, after deducting the reasonable charges of such distress and sale, shall be paid over to and for the use of the said Company, and in case sufficient distress cannot be found whereof to levy such fines, forfeitures and costs, it shall and may be lawful for such Justices or one of them to commit such offender or offenders to the Common Gaol or House of Correction of the County or City, there to remain in safe custody for such time not exceeding three months, as such Justice or Justices may order by warrant under his or their hand or seal, hands or seals, unless such fines, forfeitures and costs shall be sooner paid. Fines and penalties—how they may be recovered.

XVII. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months after the fact committed and not afterwards, and the defendant or defendants in such action or suit may plead the general issue and give this Act and the special matter in evidence on the trial. General issue may be pleaded in certain cases, and Act given in evidence.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons without being specially pleaded. Public Act.

## CAP. LXVII:

An Act to incorporate the Trustees of *The Hamilton Orphan Asylum.*

[10th November, 1852.]

Preamble.

**W**HEREAS an Association has been formed in the City of Hamilton for the purpose, among others, of providing for the destitute Orphans of the said City; and whereas certain members of the said Association, and others interested in its welfare, have by their petition represented that the said Association would be rendered more efficient by giving to it the character of a Corporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John Fisher, Edward Jackson, John Young, E. C. Thomas, M. Aikman, J. B. Dayfoot, Sir Allan N. MacNab, and all others who may from time to time be elected to succeed them as Trustees in the manner hereinafter mentioned, shall be and they are hereby nominated and constituted a body politic and corporate by the name and style of *The Trustees of the Hamilton Orphan Asylum.*

Certain persons incorporated.

Corporate name.

Corporate powers.

II. And be it enacted, That the said Corporation shall have perpetual succession, and may have a common seal with power to break, change and renew the same, when and as often as they shall think proper; and may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province; and that, by the same name, they, the said Trustees, and their successors, from time to time and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said Corporation, all lands and property, moveable and immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed, devised or granted to the said Corporation, and to sell, alienate, convey or lease the same, if need be; provided that the annual income to be derived from such property shall not exceed the sum of fifteen hundred pounds: and the said Corporation shall enjoy all the rights and privileges enjoyed by other bodies politic and corporate recognized by the Legislature.

Quorum of Trustees.

III. And be it enacted, That no act done by the said Trustees shall be valid and effectual unless four of such Trustees, at the least, shall be present, and the major part of them consent thereto.

IV.



IV. And be it enacted, That the said Trustees shall fill up all vacancies which may occur in their body, when and as often as the same shall happen, whether by resignation, absence for twelve months from the City, neglecting to attend to any of the business of the Corporation for six consecutive months, when not absent from the City, or by death.

Trustees to fill vacancies in their body.

V. And be it enacted, That the subscribers to the said Institution shall consist of females only ; the amount of their subscriptions, and the conditions thereof, to be determined, in the first place, by the persons now acting as the Committee or Board of Management, and hereafter, from time to time, by the Ladies' Committee of Management hereinafter named.

Who may be subscribers.

VI. And be it enacted, That the said Trustees shall keep, or cause to be kept, in a book to be opened for that purpose, a list of all subscribers to the said Institution, and that a meeting of such subscribers shall be held within three months after the passing of this Act, also annually, at a period to be fixed at such first meeting, of the time and place of which meetings the Committee of Management hereinafter named, for the time being, shall give due notice in some newspaper published in the City of Hamilton ; Provided always, that if from any cause such meeting shall not take place at the time so appointed, such meetings may be called as aforesaid at any subsequent time.

List of subscribers to be kept.

Proviso.

VII. And be it enacted, That at the said first meeting, and at each of the future annual meetings, the subscribers then present shall elect from among the subscribers a Ladies' Committee of Management, which shall consist of a President, two or more Vice-Presidents, a Treasurer and Secretary or Secretaries, and such other persons as the subscribers present at such meeting may appoint to the number, in all, of fifteen persons, five of whom shall be a quorum, and who shall continue in office until their successors are appointed.

Ladies' Committee of management.

VIII. And be it enacted, That the Ladies' Committee of Management shall have full power to frame and establish such By-laws, Orders and Regulations, (not being contrary to the laws of this Province or to this Act,) as they shall deem useful or necessary for the conduct or government of the Institution ; and from time to time to alter, repeal and change the said By-laws, Orders and Regulations, or any of them.

Powers of Committee of management.

IX. And be it enacted, That the said Ladies' Committee of Management shall, and may send out to service, and apprentice thereto, or to any healthy trade or business, all youths, male or female, having the protection or aid of the said Institution, to such person or persons, and upon such terms, as to the said Ladies' Committee of Management may seem fit and proper ; and for that purpose shall have power, on behalf of and

Duties of Committee of management—youths may be apprentices.

Proviso as to  
indentures.

and for such youths and themselves, to enter into and make with any person or persons with whom such youths may be placed by the said Ladies' Committee of Management, articles of apprenticeship and agreement : and that such articles of agreement may be enforced as well by action at law or in equity for breach thereof warranting any such action, as by summary application to a Magistrate or Justice of the Peace, (who is hereby authorized and empowered to act thereon,) on any such occasion as would, according to the laws of this Province, warrant the interference or adjudication of any one or more Justice or Justices of the Peace in disputes between masters and apprentices : Provided always, that a copy of the articles or indenture apprenticing such youth shall, within three days from the time when such articles or indenture were executed, be lodged with the Clerk of the Common Council of the City of Hamilton, who is hereby required to file such copies.

Members of  
Committee to  
be Managers  
of Corpora-  
tion.

X. And be it enacted, That the persons now acting as the Committee or Board of Management of the said Institution, shall have the like powers and be considered as Managers of the Corporation, until such time as Managers shall be appointed under the provisions of this Act.

Benevolent  
Society and  
House of In-  
dustry may be  
established.

XI. And be it enacted, That the Ladies' Committee of Management shall have power to establish, in connection with the said Institution, a Benevolent Society and House of Industry, for the purpose of visiting and relieving the sick and destitute poor, and may frame By-laws and Rules for the management and government of the said Society.

General meet-  
ings.

XII. And be it enacted, That the said Trustees, on a requisition signed by not less than five subscribers to the Institution, may, at any time, by a notice to be inserted not less than eight days previously, in one or more of the newspapers published in the City of Hamilton, call a general meeting of the subscribers to the Institution, specifying the hour, day, place and object of the said meeting ; and the said subscribers, or the majority of them present at any such meeting, shall have full power to alter, suspend or revoke any By-laws, Orders or Regulations, for the management of the said Institution, after notice of any motion for any such alteration, suspension or revocation shall have been given at the general meeting next preceding that at which such motion shall be made and considered.

Committee of  
Management  
to appoint  
Officers, &c.

XIII. And be it enacted, That the Ladies' Committee of Management shall have power to appoint such officers and servants of the said Corporation as shall be necessary for the conduct and management of the Institution, and to allow them such compensation for their respective services as shall be reasonable.

XIV.



XIV. And be it enacted, That should the subscribers, or the Trustees may Ladies' Committee of Management, neglect or fail to make such By-laws, Rules or Regulations as may be necessary for the due government of the said Institution, or should such By-laws, Rules or Regulations, or any of them, be disapproved by the Trustees, or a majority of them, then and in every such case the Trustees shall have full power to make the same, and to alter or revoke any of the existing By-laws, Rules or Regulations. Trustees may revoke By-laws.

XV. And be it enacted, That it shall not be necessary to the validity of any act performed by any married woman as a member of the said Ladies' Committee of Management, or as a subscriber to the said Corporation, that she be thereunto specially authorized by her husband, or that her husband join with her, any law, usage or custom to the contrary notwithstanding. Married women may act without their husbands.

XVI. And be it enacted, That the said Corporation shall be bound to make Annual Returns to the Governor or person administering the Government of this Province, for the time being, shewing the amount of their receipts and expenditure during the last preceding year, and of the real and personal estate held and enjoyed by the said Corporation. Annual Returns.

XVII. And be it enacted, That this Act shall be a Public Act. Public Act.

## C A P. L X V I I I.

An Act to amend the Act extending the powers of *The British America Fire and Life Assurance Company*, in Marine Assurance.

[10th November, 1852.]

**W**HEREAS by the Act passed in the Session held in the Preamble. fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to extend the powers of the British America Fire and Life Assurance Company in Marine Assurance*, 14 & 15 Vict. c. 40. and to reduce the number of the Directors of the said Company, the powers of *The British America Fire and Life Assurance Company* to effect Marine Assurances were extended to sea-going risks to and from Foreign Ports as well as the Ports of this Province, but no alteration was by the said Act made in the manner of granting policies therefor; And whereas all Policies of Assurance granted by the said Company must, under the provisions of the Act incorporating the said Company, and the subsequent Acts amending the same, be under the seal of the said Company, and signed by the Governor or Deputy Governor, the Managing Director and any two of the Trustees of the said Company, and in order to enable the said Company effectually to use the extended powers so conferred, it will be necessary

Company  
may appoint  
Agents.

necessary to make provision for the granting of policies by their agents: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for the said *The British America Fire and Life Assurance Company*, to appoint under the corporate seal of the Company, resident agents at any port or place within the Province of Canada or elsewhere, for the purpose of effecting at such ports or places, Marine Assurances upon ships, freights and cargoes, and assurances upon lives, or assurances against losses by fire on buildings and property, subject to such conditions, restrictions and provisoes as the said Company shall from time to time establish and impose.

Validity of  
Policies exe-  
cuted by  
Agents.

II. And be it enacted, That it shall and may be lawful for each and every of the said agents so appointed, to subscribe for, grant and execute Policies of Assurance on ships, freights and cargoes, and assurances upon lives, or assurances against losses by fire on buildings and property, in the name of the said Company, subject to all the conditions, provisoes and restrictions established and imposed by the said Company; and that each and every of the said policies so subscribed for, granted and executed by such agent or agents under his or their seals, as the Attorney or Attorneys of the said Company, shall be as binding upon the said Company in every respect as if the same had been sealed with the corporate seal of the said Company, and signed by the officers of the said Company hereinbefore mentioned, as acquired by the several Acts of Parliament affecting the said Company; any thing in the said several Acts contained to the contrary notwithstanding.

Act of 3. W. 4  
repealed.

III. And be it enacted, That so much of the first section of the Act of the Parliament of the late Province of Upper Canada, passed in the third year of the Reign of King William the Fourth, and intituled, *An Act to incorporate a Company under the style and title of the 'British America Fire and Life Assurance Company,'* as limits the existence of the said Company until the third day of November, one thousand eight hundred and eighty-two, be, and the same is hereby repealed.

C any  
may insure  
with other  
Companies  
against risks  
incurred.

IV. And be it enacted, That it shall always be lawful for the said Corporation to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, or to insure any other Assurance Company against any loss or risk which such other Company may have incurred in the course of their business; and that it shall be lawful for the



the said Corporation to provide by By-law for the manner in which and the officers or agents by whom, Policies of Assurance granted by the Corporation may be executed and signed; and any policy executed and signed in the manner provided by any such By-law, shall be as valid and effectual to all intents and purposes, as if executed and signed in the manner and by the officers prescribed by the Acts now in force relative to the said Company.

V. And be it enacted, That it shall be lawful for all parties effecting assurance with the said Company by or through any accredited Agent thereof in Lower Canada, to proceed at law against the said Company for the recovery of the amount insured, or in any matter in relation to the said assurance, in any Court of competent jurisdiction in Lower Canada; and that service at the office of such Agent, of any writ, process or proceeding in any such case, or upon the said Agent personally, shall, to all intents and purposes, be taken and considered to be legal service upon the said Company.

Remedies of  
the assured  
against the  
Company.

VI. And be it enacted, That from and after the first day of January next, the corporate name of the said Company, now called *The British America Fire and Life Assurance Company*, shall be *The British America Assurance Company*, but such change of name shall not be construed to make the said Corporation a new Corporation, or to cause any action, suit or proceeding commenced before the said day, to abate, but the same may be continued by or against the said Corporation by the name hereby assigned to it upon the suggestion of the passing of this Act.

Name of Com-  
pany changed.

## C A P . L X I X .

An Act to amend the Act for the Incorporation of the *Provincial Mutual and General Insurance Company*, of the City of Toronto.

[10th November, 1852.]

WHEREAS it is desirable to amend an Act passed in the twelfth year of Her present Majesty's Reign, intituled, *An Act to incorporate the Provincial Mutual and General Insurance Company*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Proprietary Stock of the said Company may be increased to and shall not exceed the sum of five hundred thousand pounds of lawful money of this Province.

Preamble.

12 Vic., c.  
167.

Proprietary  
Stock in-  
creased.

Chattels may  
be insured in  
Mutual  
Branch.  
Proviso.

II. And be it enacted, That in the Mutual Branch, the said Company shall have, and are hereby given full power and authority to insure goods and chattels as well as buildings, to any sum not exceeding the amount of one thousand pounds ; Provided always, that in no case, except in the classes denominated as first class and second class buildings, shall a larger sum than five hundred pounds be insured in that branch, on any one risk, upon either real property or upon goods and chattels, or upon both, in cases where the goods and chattels are in or upon the real property insured.

Assessments  
may be made  
on premium  
notes in the  
Mutual  
Branch.

III. And be it enacted, That for and notwithstanding any thing in the twenty-second Section of the said Act contained, it shall and may be lawful for the said Company, to make assessments from time to time upon the premium notes of the Company, taken in the said Mutual Branch, to meet all contingent expenses and to provide for prospective losses and deficiencies, in such manner and to such amount as to the Board of Directors shall from time to time seem advisable.

Special Fund  
created for the  
payment of  
Life Losses.

IV. And be it enacted, That such portions of the moneys and securities, together with interest and accumulated profits on the same, received by the said Company for premiums on account of Life Assurance, or received in any manner on account of the Life Branch, as shall from time to time, by order of the Board of Directors to be made for that purpose, be set apart on the books of the said Company as applicable only to losses in the Life Branch, shall not at any time thereafter be applied or be applicable to, or be used or taken for the payment of any loss, debt, judgment, execution or claim against the said Company ; but shall, in all future time, be only applied and applicable to the payment of losses sustained upon policies in the said Life Branch, any thing in the said Act contained to the contrary thereof notwithstanding.

Awards under  
Section 12 of  
the said Act  
to be final.

V. And be it enacted, That for and notwithstanding any thing in the twentieth Section of the said Act contained, any award hereafter made in pursuance thereof shall be final, binding and conclusive between the parties.

Company  
insuring in  
Lower Cana-  
da may there  
be sued, and  
service on  
Agent to be  
legal.

VI. And be it enacted, That it shall be lawful for all parties effecting insurance with the said Company, by or through any accredited agent thereof in Lower Canada, to proceed at law against the said Company for the recovery of the amount insured, or in any matter in relation to the said insurance, in any Court of competent jurisdiction in Lower Canada, and that service at the office of such Agent, of any writ, process or proceeding in any such case, or upon the said Agent personally, shall to all intents and purposes be taken and considered to be legal service upon the said Company.

Name  
changed.

VII. And be it enacted, That the name of the said Company shall be changed to, and shall be hereafter called and known as  
*The*



*The Provincial Insurance Company of Toronto*, and by that style and title, shall have the like powers and privileges, and be subject to the like liability as the *Provincial Mutual and General Insurance Company*; and any debt, liability, contract, agreement, claim or cause of action heretofore existing, accrued or made by, to or with the said Company, and all deeds, bonds, agreements, notes, writings and instruments made with, to or by the said *The Provincial Mutual and General Insurance Company*, shall remain in full force and effect, as if this Act had not been passed, and may be sued for in the name of *The Provincial Insurance Company of Toronto*, by which name the said Company may sue, and be sued as well on account of any thing heretofore done, as now or hereafter to be done, the said latter name, standing in the place of, and having the same force and effect as the said former name.

Effect of such change.

## C A P . L X X .

An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.*

[10th November, 1852.]

WHEREAS the Niagara Harbour and Dock Company and Clarke Gamble, of the City of Toronto, Esquire, Assignee and Trustee thereof, have by their Petition to the Legislature, represented that they have found it impracticable under the powers conferred upon them by the Act relating to the said Company, passed in the now last Session of the now last Parliament of this Province, to effect the sale contemplated in and by that Act, the same being, as they are advised, ineffectual for the purpose proposed, and have therefore prayed that an Act may be passed amending the said Act in the manner and according to the terms of the draft annexed to their said Petition, and it is expedient and proper that the prayer of their said Petition should be granted : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Company and the said Clarke Gamble shall be and they are hereby authorized to sell and dispose of the Wharves, Docks, Rail-ways, Machinery and property generally of the said Company and the said Clarke Gamble or either of them, in like manner as the lands and premises referred to in the Act of the Parliament of this Province, passed in the

Preamble.

Power given to sell certain property.

Session

14 & 15 V. c. 153. Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.*

Estate vested in the purchasers.

II. And be it enacted, That upon any such sale the said Company and the Stockholders therein and each and every of them and the said Clarke Gamble, shall cease to have any claim, estate, interest, control or privileges in or over the property real or personal that may be so sold ; and any purchaser or purchasers of such property, his or their heirs or assigns, shall and may use and employ the same to and for his or their own use and benefit, free from any present or future claim of the said Company or the said Stockholders, or any of them, or of the said Clarke Gamble, in or to the same, or in respect thereof.

Certain powers vested in such purchasers.

III. And be it enacted, That any such purchaser or purchasers, his or their heirs or assigns, is and are hereby empowered to repair and maintain the present Docks, Wharves, Piers and other constructions and erections of the said Company, and the said Clarke Gamble or either of them, or to substitute from time to time others in their place, and the same from time to time to maintain, repair and uphold, and generally to exercise the powers and privileges conferred upon the said Company in and by the Second Section of the Act of the Legislature of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to incorporate the Niagara Harbour and Dock Company ;* Provided however, that such purchaser or purchasers shall not acquire or take any right or title in or to the Harbour at Niagara further than as may be necessary for the erection thereat or therein of Wharves, Piers and Docks, as authorized by the original Act of incorporation of the said Company ; and further provided that all and every the rights and privileges specially reserved to the Crown, under the nineteenth, twentieth and twenty-first Sections of the said last recited Act shall remain in force.

Act of U. C. 1 W. 4. c. 13.

Power to such purchasers to demand tolls and enforce payment thereof.

IV. And be it enacted, That it shall and may be lawful to and for any such purchaser or purchasers, his or their heirs or assigns, from time to time to fix, demand and receive, to and for his or their own use, wharfage, tolls and dues to be paid for or in respect of vessels using or partaking of the benefit of the said Wharves or Docks, and on goods, wares and merchandize shipped or unloaded at and from the said Wharves or Docks, or stowed in any storehouse there, and to detain any such vessel and any such goods, wares and merchandize until such charges thereon be paid, and if such charges be not paid within one month after the same shall have been incurred and notice thereof shall have been given to the owner or owners of any such vessel, goods, wares or merchandize, then the same to sell by public auction after an advertisement of such sale



sale shall have been given in the newspaper published nearest to the locality of the said Wharves or Docks, at least one week prior to the time fixed in such advertisement for such sale.

V. And be it enacted, That it shall and may be lawful to and for any such purchaser or purchasers, his or their heirs or assigns from time to time, to lease and to farm let the whole or any part of the lands, tenements, hereditaments and premises of the said Niagara Harbour and Dock Company for such period or periods as he or they may choose, reserving such rent or rents as may from time to time be agreed to be paid by the lessee or lessees thereof, with power to such purchaser or purchasers, his or their heirs or assigns from time to time to distrain for arrears of rent due the Company or arising or accruing upon any such lease or leases hereafter to be executed.

Purchaser may form the lands.

VI. And be it enacted, That nothing in this Act contained shall be construed to interfere with or annul any existing legal rights of any Creditor or other person or persons having claims against the said Company, or of any person or persons to whom any such rights may have been transferred.

Rights of Creditors saved.

## C A P. L X X I.

An Act to amend the Act, intituled, *An Act to incorporate the Orphan's Home and Female Aid Society, Toronto.*

[10th November, 1852.]

**W**HEREAS it is desirable to amend the Act intituled, *An Act to incorporate the Orphan's Home and Female Aid Society, Toronto*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Corporation, in such manner and upon such terms, and subject to such Rules and Regulations now made or hereafter to be made by the said Corporation, as to the said Corporation shall seem fit, to put and bind out as an apprentice, any child or minor under the charge, care or protection of the said Corporation, and that all the provisions of the Act passed in the fifteenth year of Her Majesty's Reign, intituled, *An Act to amend the Law relating to Apprentices and Minors*, shall, so far as may be consistent with the Rules of the said Corporation, and with the terms of the apprenticeship, apply to the case of each such apprentice.

Preamble.  
14 & 15 Vic.  
c. 34, cited.

Corporation may bind out as apprentices any children under their charge.

14 & 15 Vic.,  
c. 11, cited.

## CAP. LXXII.

An Act to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, to admit Neil Cameron McIntyre to practise as a Solicitor and Attorney therein.

[10th November, 1852.]

Preamble.

Act of U. C.,  
2 Geo. IV,  
c. 5, cited.

WHEREAS by an Act of the Legislature of Upper Canada, passed in the second year of the Reign of His Majesty King George the Fourth, and intituled, *An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, intituled, 'An Act for the better regulating the practice of the law,' and to extend the provisions of the same,* it is among other things enacted, That from and after the passing of the said Act, no person shall be admitted by the Court of King's Bench to practise as an Attorney, unless upon an actual service under Articles for five years with some practising Attorney; And whereas it appears by the petition of Neil Cameron McIntyre, of the City of Toronto, Barrister at Law, and the affidavit thereunder made and the certificate thereon indorsed, that the said Neil Cameron McIntyre has faithfully served under his Articles of Clerkship and assignments thereof, the full term of five years; And whereas the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, are not empowered to admit him a Solicitor and Attorney in the said Courts respectively, owing to an irregularity in the said service, caused by the unexpected and continued absence from Canada, of James William Muttlebury, late of Toronto aforesaid, Esquire, to whom the said Neil Cameron McIntyre was under Articles by an assignment of his original Articles; And whereas it is reasonable and just, under the circumstances of the case, that the Court of Chancery in Upper Canada should be authorized, in their discretion, and the Courts of Queen's Bench and Common Pleas in Upper Canada should be authorized, in their discretion, to admit the said Neil Cameron McIntyre to practise as a Solicitor and Attorney in the said Courts respectively, and it is therefore expedient to grant the prayer of his petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Court of Chancery in and for that part of this Province which formerly constituted the Province of Upper Canada, in their discretion,

Courts in U.  
C. are author-  
ed, in their



discretion, to admit the said Neil Cameron McIntyre to practise as a Solicitor in the said Court of Chancery, and that it shall also be lawful for the Courts of Queen's Bench and Common Pleas in that part of this Province last aforesaid mentioned, in their discretion, to admit him to practise as an Attorney in the said Courts respectively ; any law or usage to the contrary notwithstanding.

discretion to admit N. C. McIntyre as a Solicitor or Attorney.

### C A P. L X X I I I.

An Act for the relief of John Knatchbull Roche, of the Town of Port Hope, in the County of Durham, Provincial Land Surveyor.

[10th November, 1852.]

**W**HEREAS John Knatchbull Roche, Provincial Land Surveyor, did, under the direction of the Provincial Government, and by the authority of the Magistrates of the District of Newcastle, in the year of our Lord, one thousand eight hundred and forty-six, make a survey of the Township of Hamilton, in the said District, and did furnish and erect permanent cut stone monuments at each end of the several concession lines therein ; And whereas the said Magistrates in Quarter Sessions, approved of such survey, and allowed the account presented for the said services, to the amount of three hundred pounds, and ordered an assessment of one penny farthing per acre, on each and every acre of land in the said Township, for the payment of the same ; And whereas under the said assessment, in consequence of omissions of duty on the part of various officers of the District and Township, the sum of fifty pounds only has been paid to the said John Knatchbull Roche ; And whereas no power now exists to direct the levying of such rate, and the said John Knatchbull Roche is without any remedy for the recovery of the residue of the said three hundred pounds, and it is just that the United Counties of Northumberland and Durham, formerly constituting the District of Newcastle, should be rated to pay the same : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted and declared by the authority of the same, That the balance of the said debt, being the sum of two hundred and fifty pounds, and interest thereon from the Sixth day of July, one thousand eight hundred and forty-seven, to the time of payment, and the costs of a certain action brought by the said John Knatchbull Roche against the Municipality of the said Township of Hamilton for recovery of the said debt, being the sum of fifty-two pounds eleven shillings and two pence, be, and the same is hereby declared to be a debt,

Preamble.

The sum due to J. K. Roche declared a debt of the said United Counties, and recoverable from the Municipality thereof, with interest

and the costs  
of a certain  
action.

debt, due and owing and payable from and by the Municipality of the said United Counties of Northumberland and Durham, to the said John Knatchbull Roche, his executors, administrators and assigns, to be paid out of the general funds in the Treasury thereof, raised or to be raised, for general purposes, or for the special purpose of paying the same, provided there be not sufficient funds in hand for that purpose, when this Act shall come in force ; and the same may be sued for and recovered by the said John Knatchbull Roche, from the said Municipality, in the same manner as any other debt due by such Municipality may be sued for and recovered ; and the said Municipality shall and may rate and raise the same, in addition to the other rates required for other legal purposes, or such portion thereof as may be necessary to pay said debt, upon estimate in the usual and legal way, as part of the estimated amount which may be required for the purposes of the said United Counties for the year one thousand eight hundred and fifty-three.

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QUEBEC :—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,  
Law Printer to the Queen's Most Excellent Majesty.



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